

Review of the Site and Development Plan Process

Performed by Office of Management and Budget

Review Team:

Alan Rosenzweig, Director, Office of Management and Budget

Andrea Bird, Assistant to the Director of Public Services

Submitted May 22, 2003

TABLE OF CONTENTS

Executive Summary	Page 3
Background	Page 5
Regulatory Documents	Page 5
Methodology Used in Review	Page 6
Analysis	Page 7
I. Seminole Raceway	Page 7
II. Other Relevant Findings	Page 14
Land Use and Project Determination, Section 10-1477 (1)	Page 14
Determination of Review Type - Oak Ridge Place	Page 15
Site and Development Plan Review Process, Section 10-1481	Page 16
Type B Review - Time Frames, Section 10-1479	Page 16
Parking Standards Committee, Section 10-1027	Page 17
Appeals to Board of County Commissioners, Section 10-1489	Page 18
Delegations Contained in Division 4 of the LDR	Page 18
III. Summary of Final Recommendations	Page 19
Attachments	Page 20

EXECUTIVE SUMMARY

The following report presents the results of a site and development plan process review and will serve as a response to the formal complaint filed with the County Administrator on January 22, 2003.

The Community Development and Public Works Departments were both afforded an opportunity to respond to the findings and recommendations of this report. The complete responses are included as attachments #13 and #14.

Summary of Findings Relating to the Seminole Raceway:

1. The Seminole Raceway applicants parking standards application reflects a request for 383 parking spaces (336 regular and 47 racer). This request was based on using a standard of 3 persons per vehicle. The Parking Standards Committee approved this request. The engineer certified final approved site and development plan contains a table reflecting 336 regular and 47 pit area parking. The actual number of parking spots reflected on the plan are 254 regular (or a deficiency of 82 spaces) and 47 pit area.
2. The Seminole Raceway applicants Florida Department of Transportation (FDOT) Driveway Connection Application contains a traffic analysis. The traffic analysis utilizes a standard of 2.5 persons per vehicle. This is inconsistent with the information presented to the Leon County Parking Standards Committee. Utilizing the 2.5 standard, the parking requirement would result in the need for 432 regular parking spaces.
3. The July 19, 2003 DRC Approval Letter regarding the Seminole Raceway requires a number of conditions necessary for final approval. The applicant was required to make the necessary changes to the site and development plan as referenced in the conditions. A number of these conditions are not reflected on the final site and development plan. The conditions not corrected include, but are not limited to: Noise attenuation fence, lighting orientation, and hours of operation on holidays.
4. There are a number of design concerns relating to the final approved site plan. This issues include, but are not limited to: type of surface for parking area; encroachment into the National Forest for turn around at end of track; gravel in the pit parking area may allow for petroleum leakage into ground; lack of information relating to flow of traffic associated with check-in area; turn lane configuration on Blounstown Highway appears to be irregular and may not be approved FDOT as currently proposed; lack of traffic controls relating to return lane from track possible safety issue.
5. Other issues related to special exception uses and active karst features were identified in the County Code as requiring revisions for clarification.

Recommendations Relating to the Seminole Raceway

A. The approved site and development plan should not be able to proceed as currently submitted and the applicant must correct all inaccuracies and deficiencies.

B. The County Attorney's Office should review the language in Section 10-210 as it relates to karst features and determine the most appropriate revision.

C. The County Attorney's Office should review the Special Exceptions Section of the Code (Section 10-954 (e)) allowing Board of County Commissioner input to the process and determine appropriate revisions.

Summary of Other Relevant Findings

6. Modification to the Permitted Use Verification (PUV) process to include identification of more than one tax parcel ID.
7. The Oak Ridge Place Subdivision was classified as a type "B" review. It should have been classified as a type "C" review. As a type "C" review, Board approval would have been required.
8. A procedure is not currently in place that allows for documentation when a site and development plan requirement is waived.
9. File documentation does not reflect applicants receiving notification from the County regarding completeness of application within the time frames established in the County Code.
10. Clarification and determination of appropriateness of the section in the code regarding appeals to the Board of County Commissioners for type "B" site plans should be evaluated by the County Attorney's Office.
11. County Code inconsistently references the Director Growth Management and the County Administrator as it relates to authority and approval.

Other Relevant Recommendations:

D. Include in the upcoming agenda item seeking Board approval for final platting of the Oak Ridge Place Subdivision an option to allow Board ratification of the DRC approval of this project.

E. Review the current process and revise procedures as appropriate to enhance internal review of a project's PUV certificate with the formal site plan application for consistency and LDR compliance.

F. Community Development is strongly urged to implement a procedure by which the waiving of site and development application requirements are documented and made a part of the applicant's file.

G. Community Development should evaluate existing internal procedures and make necessary adjustments to comply with the ten day requirement imposed by the County code in Section 10-1479 (9) (c). When utilizing faxed transmissions to comply with the ten working day requirement, the project file should be documented and this record should be incorporated into the project file.

H. Section 10-1027 should be revised to allow the various directors that encompass the Parking Standards Committee to utilize designees.

I. Defer the issue of whether to eliminate or revise Section 10-1489 to the County Attorney's Office for consideration.

J. For purposes of consistency, it is recommended that for Division 4 of the LDR (Procedures for Review and Approval of Site and Development Plans), the director of growth and environmental management or designee terminology be replaced with the county administrator or designee.

The following report discusses each of these findings and recommendations in detail.

BACKGROUND

In February, 2001, a pre-application for the reopening and upgrading of an existing raceway located on State Highway 20 was submitted to the County's Community Development Department. This project, hereafter referred to as "Seminole Raceway," went through the various stages of a type B review and the application was approved by the Development Review Committee (DRC) on July 17, 2002.

On August 15, 2002, opponents of the raceway filed a petition for a hearing to challenge the DRC's approval of the Seminole Raceway application. This hearing took place on December 11th through 13th and the Administrative Law Judge of the Division of Administrative Hearings (DOAH) issued a final order on March 4, 2003 that upheld the DRC's approval of the Seminole Racetrack site and development application.

While awaiting the DOAH final order, a formal complaint regarding the Seminole Raceway Site and Development Plan approval was filed with the County Administrator on January 22, 2003. Per Section 10-838 (c) of the Leon County Code of Laws, "Whenever a violation of this article occurs or is alleged to have occurred, any person may file a written complaint. Such a complaint, stating fully the causes and basis thereof, shall be filed with the county administrator or designee, who shall properly record the complaint, investigate it, and take appropriate action." It is under this section of the Code of Laws that a review of the Site and Development Plan review and approval process was initiated.

This review was not limited to an investigation of the Seminole Raceway Site and Development Plan approval, but also included an overall review of several site and development plans that were approved within the last twelve months. The review focused on the site and development process from pre-application to approval. The following section of this background presents an overview of the regulatory documents that govern development in Leon County.

Regulatory Documents

Land development within Leon County is regulated by the *Tallahassee - Leon County Comprehensive Plan* adopted on July 16, 1990 with subsequent amendments, as necessary. The

Comprehensive Plan can be considered equivalent to the “constitution” of the growth management strategies within Tallahassee and Leon County.

The Comprehensive Plan contains three volumes. Volume I provides guidance in evaluating individual development proposals within a defined growth management strategy. The Goals, Objectives, and Policies within Volume I also provide the basis for the individual development regulations formulated to implement this plan. Volumes II and III contain the data and analysis on which the Goals, Objectives, and Policies of Volume I are based. The Comprehensive Plan is a dynamic, high level document which is presently amended on a biannual basis.

The ***Land Development Regulations (LDR)***, by definition, are a group of ordinances enacted by the Board of County Commissioners for the regulation of any aspect of land development, including but not limited to zoning, subdivision, signs, impact fees, vesting, concurrency management, environmental management, traffic performance standards, or any other regulations controlling the development of land. The LDR is considered the document by which the growth management strategies within the Comprehensive Plan are implemented. In other words, the LDR contains the rules and regulations by which the vision of the Comprehensive Plan is put into practice through applications for land development.

Persons wishing to develop property within the County must go through and comply with the standards contained in the development review and approval system (Section 10-1476 of the Leon County Code of Laws), unless otherwise exempted from the process. Components of the site and development plan process and an overview of the application process are included in Attachment #1. In addition, on April 9, 2002 the Board was provided an agenda item that presented a summary overview of the County’s Site and Development Plan review process, specifically addressing the four types of development reviews. This agenda item is included as Attachment #2.

Methodology Used in Review

As previously stated, this review of the site and development plan review and approval process included an overall review of several site and development plans that were approved within the last twelve months, including the Seminole Raceway project. The review team met with the Directors of Development Services, Environmental Compliance, Planning, the County Attorneys Office and representatives of other components of the site and development review and approval process in order to gain an understanding of the process (see Attachment #3 for review time line). The review team then selected seven random site and development plans to review in addition to the Seminole Raceway plan and reviewed all of the documentation associated with each project, as provided by Development Services and Environmental Compliance Divisions. The following table reflects the plans reviewed and their designated review types.

Project Name	Review Type
Lake Jackson United Methodist Church	Type A
Beech Ridge Trail Shops	Type A
Seminole Raceway	Type B
Westminster Presbyterian Church	Type B
Oak Ridge Place Subdivision	Type B
Trinity Reformed Church	Limited Partition
Proposed Deck Conversion	Exception
Humane Society	Exception

The following section of this report presents the results of this site and development plan review and approval process review and will serve as a response to the formal complaint filed with the County Administrator on January 22, 2003. This report will first present the findings associated with the review of the Seminole Raceway Project followed by other relevant findings as a part of the entire review.

The Community Development and Public Works Departments were both afforded an opportunity to respond to the findings and recommendations of this report. The complete responses are included as attachments #13 and #14, however excerpts from these response are included as part of each issue discussed.

ANALYSIS

I. SEMINOLE RACEWAY

Discussion: The Seminole Raceway Reconstruction and Reopening was approved by the Development Review Committee on Wednesday July 17, 2002. Subsequent to this time the project has been subject to an administrative hearing which upheld the approval. The administrative hearing ruling is currently being appealed in Circuit Court.

As discussed in the methodology section, staff reviewed all documentation associated with the Seminole Raceway site and development review process. This review also included interviews with members of Planning, Public Works, Community Development and the Department of Health.

As discussed below the review does indicate there are areas of concern regarding the approved site and development plan that warrant further discussion. Other issues raised by the citizen complaint

are adequately addressed by Community Development's March 12, 2003 memorandum to the County Administrator (Attachment #4).

Findings:

Parking and Seating Capacity

The Leon County Code contains various standards that are applied as part of a site and development plan review process. One specific element that is required for review is parking. Section 10-1029 (Attachment #5, pages 9 and 10) of the code addresses parking. Based on the nature of the development, section 10-1029 Schedule 6-2 of the County Code provides specific parking requirements. When the specific category of development is not listed, as is the case with the Seminole Raceway, the County Code requires that the County Administrator or designee determine the appropriate number of spaces. To fulfill this requirement the County utilizes the Parking Standards Committee to make this determination.

As a result of a raceway not being a listed category in the parking section of the County Code, the applicant was required to submit an application to the Parking Standards Committee to determine the appropriate number of spaces for the development (Attachment #5). The application reflects a request for 336 spectator parking spaces; the application further requests a total of 383 spaces which includes racer parking spaces. This is consistent with the 47 pit parking spaces reflected on the site plan (383 less 336 equals 47).

The applicant provided a standard based on a comparable facility in Albany, Georgia of three spectators per car. The applicant assumed 1,080 people attending the racetrack thereby calculating 360 spectator spaces (1,080 divided by 3). The Parking Standards Committee approved the request for the 383 spaces (Attachment #5, page 1).

Section 10-1481 (3) (b) (i) (n) requires a site and development plan to contain "Number of spaces and location of parking facilities..." The approved site and development plan contains a table with the following information: 336 regular parking spaces, 8 handicap parking spaces and 47 pit area parking spaces. This table is consistent with the requirements approved by the Parking Standards Committee and the summary information prepared by the Department of Community Development for the DRC May 1, 2002 meeting (Attachment #7). However, when the actual number of spots are counted on the site plan certified by the engineer the handicap and pit area are reflected accurately, but the number of regular parking spaces totals 254 (Attachment #8). The plan is deficient 82 spaces based on the Parking Standards Committee approval.

As part of the development, the applicant had to apply for a Florida Department of Transportation Driveway/Connection. As part of the application a trip generation and traffic analysis (Attachment #6) was included. The analysis contained in traffic analysis differs from the information approved on the site plan and requested by the applicant to the parking standards committee. The traffic analysis shows 217 spectator parking spaces and 54 racer parking spaces for a total of 271 parking spaces. The applicant requested and was approved by the parking standards committee a total of 383 total spots or a difference of 112 spaces. This additional number of vehicles may impact the

“stacking” lanes required to be built on the state road. Second, the traffic study shows utilizing 2.5 attendees per vehicle. This is different than the 3 attendees per vehicle the applicant utilized in the application to the parking standards committee. Using 2.5 attendees per vehicle and 1,080 seats, the required parking would be 432 parking spaces.

Conditions of Approval

The DRC approval letter dated July 19, 2002 (Attachment #9) contains a number of specific conditions of approval. Based on the letter, the applicant was required to revise the site plan and re-submit for final approval. The final certified site plans are in conflict with the approval letter as follows:

- a. Specific Condition #4 requires that “On holidays preceding school days, the facility shall cease operations no later than 9:00 pm.” The plans provide that on such days, the last race shall not start after 9:00 pm. A race starting at 9:00 pm does not comply with the condition.
- b. Specific Condition #5 requires that a dumpster be placed “...with no encroachment into the drive aisle...” The dumpster pad’s construction within the drive aisle and the dumpster itself being placed exactly at roadway edge may constitute an encroachment.
- c. Specific Condition #7 requires that “All lighting shall be oriented so as not to have any residentially zoned property impacted by direct illumination.” Note #18 on sheet 3 of 7 of the plans modifies that requirement so that it refers to “residentially developed property” (not zoned) and limits the impacts to properties developed at the time of plan approval.
- d. Specific Condition #8 refers to limitations on the public address system. Note #17 on the plans appears to address these requirements, but the second sentence of the note is an incomplete sentence.
- e. Specific Condition #9 refers to an 8 foot noise attenuation fence. The requirement of the attenuation fence is based on the sound study completed by Law Engineering, and the County Commission’s intent to protect residentially developed areas as reflected in the County’s application of the Residential Preservation (RP) overlay on the existing neighborhood. The plans refer to an 8 foot wooden fence. A standard wooden fence is not generally regarded as a “noise attenuation fence”, and the plans do not contain further information to confirm noise attenuation capabilities of the fence.
- f. Specific Condition #9 requires the plan to distinguish between the 8-foot tall fence and the 6-foot tall chain link fence. The chain-link fence referred to on the site plan is shown as 4-foot tall.
- g. Specific Condition #10 requires that the plans be modified to define the term “drag strip.” A review of the plans finds no such modification on the plans.

If members of the DRC were aware of the deficiencies noted above, there is a strong likelihood that the DRC would not have approved the final documents.

Design Concerns

1. It is noted that the southern end of the drag strip proper, pavement and area where vehicles turn around to return to the parking area, lies outside the parcel of the applicants/owners and encroaches upon National Forest Property. As currently designed, if the encroachment were removed, vehicles would be unable to safely return to the parking facility.
2. Gravel is not normally a suitable construction material for a parking area of this density and volume. A maintenance plan should have been included to confirm that the parking could be adequately maintained and remain functional over a normal life span. Plan should have specified that #57 granite stone would be used for the gravel.
3. Parking for race vehicles is partially impervious and partially gravel. Leakage of petroleum products on the gravel area could soak into the ground before it could be contained and removed. Ultimate clean-up would require of gravel and subsoil.

Community Development Response: Minor leaks from vehicles occur in all parking lots. On paved lots, the leak is transported to a stormwater facility and treated in the pond bottom which essentially is transported into the ground in the same manner as if the leak was dispersed into the soil beneath the gravel parking area. In both cases, the microorganisms in the top foot of the vadose soil zone can actually break down pollutants by aerobic digestion. This prevents the pollutant from reaching the aquifer.

The site plan approval has a condition as follows: "No repair or mechanical maintenance of the race cars shall be allowed on the premises. All spills, leaks, etc. from any mechanical system (i.e. oil, gas, coolant, brake fluid, etc.) shall be cleaned up as soon as it is noticed and shall be taken off-site to an approved hazardous waste facility." During environmental permitting, a Pollution Control Response Plan must be submitted to and approved by staff to address the spill issue further.

4. The return lane from the track to the race vehicle parking area presents a single lane with vehicles traveling in opposite directions. No signage, barriers or other traffic control devices are shown that would prevent accidents resulting from this condition.
5. The plans do not reflect the admissions location where attendees would pay admission fees, parking fees or in other ways "check in." The location of this facility could have impacts on traffic movement and pedestrian circulation.

Other Design Concerns

Attachment #15 contains a list of other design concerns relating to the final approved site plan.

Project Phasing

The site plan reflects six sets of total stands, each representing 180 seats. Three sets of the stands are depicted as future stands.

The County Code Section 10-1481 (3) (b) (i) (z) addresses phasing of projects. The section reads "Proposed build-out date of the infrastructure for the development in its entirety, and, if the development will be built in phases, a development schedule and proposed buildout date for each phase." The site plan does not include any of this information. As a point of comparison, the Westminster Presbyterian Church site and development was originally proposed to build a multi-phase project. Throughout the development review process, the applicant was notified in writing by the County to remove any reference to future development and the final approved site plan contains the following notation "Future building and parking shall require site plan approval by Leon County." In addition, the Beech Ridge Trail Shops approved site and development plan contains a note on the plans stating "No phasing of this development is proposed." The approved Seminole Raceway plan does not contain any notations to this effect.

Section 10-954 Special Exception Uses

Within each zoning district outlined in the County Code, there are various allowable uses, appropriate permit levels and applicable development and locational standards. These uses consist of permitted use, restricted use and special exceptions. Section 10-954 discusses the special criteria that shall be applied to ensure compatibility of the proposed use with adjacent and nearby uses and developments.

The Seminole Raceway site and development plan was designated a special exception use within the Urban Fringe District, under active recreation. Section 10-954 (a) through (d) provides a series of factors that need to be addressed as part of the site and development plan. This section of the code was relied upon by the DRC in requiring the developer to address certain issues in the development (i.e. sound buffers, and lighting mitigation). Section 10-954 (e) states that other factors deemed appropriate by the County Administrator, planning commission or Board of County Commissioners due to the nature of the proposed development need to be addressed. However, the Code does not provide the mechanism for the Board to have input into this process. Given the nature of the current process as it relates to the various type A, B, C site and development reviews, a determination needs to be made as to the relevance of having these entities provide input at this level.

With regard to the Seminole Raceway, the Board may have wished to place certain restrictions on the hours of operation. The approved site and development plan shows the hours of operation extending until the last race starting no later than 11:00 PM on Friday and Saturday evenings and holidays. (The site and development plan list the specific holidays.) During the April 9, 2002 Board meeting, Commissioners expressed concerns regarding the hours of operation and some suggested more restrictive hours, such as a 10:00 PM closing (Attachment #10). In addition, the Planning Department's comments in a memorandum dated July 17, 2002 also indicate that a 10:00 PM closing time would be appropriate (Attachment #11).

Active Karst Feature

Part of the citizen complaint regarding the development of the Seminole Raceway is the project would have stormwater run-off discharging into an active karst feature. Community Development's response to this allegation is reflected in page 5 of Attachment #4. As stated by Community Development the intent of this section of the code relates to the **direct** discharge of runoff into an active karst feature. The response further states that if the interpretation of Section 10-210 was for no discharge to occur into an active karst feature, regardless of distance from the feature, than "All of the gasoline stations, car washes, laundries...could not be constructed in the Lake Jackson, Lake Iamonia, Lake Lafayette, Fred George...basins."

Section 10-210 states "Discharge of stormwater runoff into any active karst feature shall conform to the following." The section of the code then has five subsections. Section 10-210 (1) states "Runoff to be discharged directly into the karst feature shall be treated to comply with F.A.C. 62-520.420 prior to discharge." A reader of the code could interpret that the subsections need to be consistent with the main statement thereby having the code apply to all discharge into active karst features not only direct discharge; though, as Community Development points out this clearly is not the intent of the section.

Preliminary Recommendations:

1. The approved site and development plan should not be able to proceed as currently submitted. It is unclear what the site plan approves regarding number of spectators in terms of current and future development. The actual parking depicted on the site plan is inconsistent with the requirements of either a 540 or 1,080 seat venue. In addition, there is no indication on the plan that any future development would require the approval of Leon County. This uncertainty is further supported by the inconsistency in the parking information contained on the plan: totals showing 336 regular spaces and actual parking spaces totaling 254. Changes to the parking may or may not impact the sizing of the proposed stormwater retention pond. In addition, this information is also necessary for the Department of Health to determine septic requirements.

Community Development Response: Community Development's original analysis reflects the parking on the plan is allowed to have a 20% threshold consistent with assembly-type land use characteristics. Based on this analysis, the parking could range from 301 to 459 parking spaces. This analysis leads to a five parking spot deficiency (301 versus 306). The deficiency of the five spots is not significant and can adequately be absorbed through existing unencumbered areas. However, it has been determined that the 20% less threshold application to this project is improper and the minimum parking requirement is 383 parking spaces. In addition, the applicant will be required to submit a traffic study one year after the project is complete. The applicant is also planning on phasing the seating which will mitigate the initial parking demand. The applicant needs to modify the plan to address the internal inconsistency relating to the parking which can be done with a minor modification by reducing the number of parking spaces which can be handled administratively by staff. If the applicant chooses to add additional parking, this would require a

major modification and reconsideration by the DRC. Based on the level of inconsistencies, the site plan should be referred back to the DRC.

Public Works' Response: The site plan should not move forward at this time. The plan should be held in abeyance until the inconsistencies are addressed and the plan is brought into compliance. As a professional engineer, there should be accountability of the inconsistencies addressed by the applicant's professional engineer. The utilization of two different spectator ratios per vehicle as well as 47 racers versus 54 racers contributes to the confusion of the parking spaces. The applicant should be required to submit a revised application to address the inconsistencies.

Preliminary Recommendation

2. To clarify the actual practice and intent of Section 10-210 as it relates to karst features, a modification could be made in the main section to read "The direct discharge of stormwater runoff into any active karst feature shall conform to the following:" Section 10-210 (1) could then remove the term direct.

Community Development Response: Staff agrees that a minor modification to Section 10-210, Active karst feature requirements, would provide clarification of the intent for protection of these features. The uses specified in Section 10-210(5) were intended to not directly discharge stormwater runoff into any active karst feature, except the term "directly" is not included in this provision. Staff disagrees that the modification should be made to the main heading in this section since several of the subsections would be required whether or not there was a direct discharge to the active karst feature. Instead, adding the term "directly" in Section 10-210(5) would provide the needed clarification of what has been staff's policy for this and other applications. Sec. 10-210(5) would then read: "The following uses shall not directly discharge any stormwater runoff into an active karst feature:"

Preliminary Recommendation

3. Special Exceptions allowing Board of County Commissioner input to the process (Section 10-954 (e)) needs to be reviewed to determine whether this provision is necessary during the site and development review and approval process, and if so, a mechanism or process by which to implement this provision needs to be included in the County Code.

Community Development Response: Community Development staff does not concur with the recommendations of OMB staff with regard to this section of the LDC. As long as the County's LDC contains performance-based zoning/future land use districts, this section is required to enable the entity with the authority to approve a proposed development the additional ability to address issues that are not specifically noted in the LDC. Furthermore, Community Development staff does not concur with this recommendation based on the proposed ordinance regarding revision to section 10-954 that would require Board approval for all special exception uses.

Final Recommendations:

- 1) The approved site and development plan should not be able to proceed as currently submitted and the applicant must correct all inaccuracies and deficiencies.
- 2) The County Attorney's Office should review the language in Section 10-210 as it relates to karst features and determine the most appropriate revision.
- 3) The County Attorney's Office should review the Special Exceptions Section of the Code (Section 10-954 (e)) allowing Board of County Commissioner input to the process and determine appropriate revisions.

II. OTHER RELEVANT FINDINGS

LAND USE AND PROJECT DETERMINATION, SECTION 10-1477 (1)

Discussion: This section of the code is required to clarify land use, permit issues and the appropriate review type. The determination is made utilizing a Permitted Use Verification (PUV). The application form for a PUV is intended to be utilized for one Tax Parcel. The form requests specific information such as zoning district, vesting, adjacent land uses, etc.

Finding: During the review, single PUVs were issued for multiple Tax Parcels. The actual PUVs did not include all of the specific Tax Parcel information. This lack of multiple Tax Parcel Information apparently is a limitation of existing software utilized to issue the PUV (Page 1, Attachment #4).

The review of the Oak Ridge Place Subdivision PUV shows that two discrete parcels were being utilized for the development. However, each parcel has a unique zoning that may or may not require different development standards and review processes. The issuance of a single PUV for multiple Tax IDs may cause confusion when each Tax ID has different zoning and therefore may require different thresholds for establishing the appropriate review process.

Preliminary Recommendation: Update existing software utilized to issue PUVs to allow for the listing of multiple Tax Parcels on the document.

Community Development Response: An overall upgrade to the permit tracking software will be required to accommodate this recommendation.... it would appear that the potential financial impact and associated benefit would not justify the additional costs to the County for the software upgrade at this time. In the interim, staff will begin to hand write the additional parcel identification numbers on the PUV.

Final Comment - Community Development's response and interim solution to this problem remedies the issue. Should other modifications to the permit tracking system be necessary in the future, this issue of showing more than one Tax Parcel ID should be incorporated into those changes.

DETERMINATION OF REVIEW TYPE - OAK RIDGE PLACE

Discussion: As discussed above, the Oak Ridge Place subdivision involves two discrete zoning categories: MR-1 and R-3. Each zoning category requires differing thresholds for determining the appropriate review process (i.e. A, B, C or D).

Findings: As part of the PUV application and determination, the proposed Oak Ridge Place subdivision was classified to need a Type B review. The development consists of 71 parcels: 4 in the MR-1 zoning and 67 in R-3 zoning. This level of detail was not provided nor required as part of the PUV process.

However, based on Section 10-1479 (1) (a) R-3 zoning, type B reviews are for developments with residential dwelling units totaling between 11 and 49. As the portion of the development zoned R-3 has 71 parcels, the project review should have been a type C. As a type C, the project would have required Board approval as opposed to DRC approval. It appears that the initial determination that the project be classified as a type B review was an error and no subsequent steps in the process are currently required to check this initial determination.

In further review of the project, the comments received by the DRC were extremely supportive of the project and this review found no other issues regarding the development.

Preliminary Recommendations:

1. Community Development bring the approved site and development plan to the Board for ratification of the DRC's action. This action will bring the site plan's approval into compliance with the requirements of a type C review.

In a May 13, 2003 meeting with Community Development, it was determined that this project will come before the Board in the near future for final platting. As a part of the agenda item, Community Development will include an option for Board ratification of the DRC's approval of this project.

2. Community Development review existing internal processes and determine a method to ensure the appropriate site and development plan process is utilized for each project request submitted.

Community Development Response: Community Development concurs with this procedural enhancement recommendation and will review the current process and revise procedures as appropriate to enhance internal review of a project's PUV certificate with the formal site plan application for consistency and LDC compliance. Preliminary review indicates that this could be accomplished by including an additional finding of fact statement in the project's initial staff report which is provided to the applicant prior to the initial staff technical review meeting on the proposed project.

Final Recommendations:

1. Include in the upcoming agenda item seeking Board approval for final platting an option to allow Board ratification of the DRC approval of this project.

2. Review the current process and revise procedures as appropriate to enhance internal review of a project's PUV certificate with the formal site plan application for consistency and LDC compliance.

SITE AND DEVELOPMENT PLAN REVIEW PROCESS, SECTION 10-1481

Discussion: This section of the code includes application and submittal requirements for all type A, B and C reviews. The section includes very specific requirements for the requirements to be included in an application. Section 10-1481 (3) (b) requires all information to be submitted in an application, "unless the county administrator or designee waives a requirement, with documentation, as inapplicable to the particular development".

Findings: In reviewing various site plan applications, certain required elements are sometimes not included by the applicant. However, in reviewing the files there does not appear to be a standard way the County implements the waiving of a requirement with documentation. For example, Sec.10-1481 (3) (ii) (k) requires a scaled aerial photograph. However, a number of the applications reviewed did not include this item, nor was there any documentation that indicated that this requirement was waived by the Division.

Preliminary Recommendation: Implement a procedure by which the waiving of site and development application requirements are officially documented and made a part of the applicant's file.

Community Development Response: *The aerial photographs, as mentioned in the findings, are not required of applicants because the photograph is available electronically via the County's GIS. Furthermore, a specific project's submittal requirements are discussed during the pre-application meeting. Community Development staff will review current procedures to determine if additional documentation regarding a proposed project's applications submittal requirements is warranted. However, current practice appears to be adequate in this regard.*

Final Recommendation: Community Development is strongly urged to implement a procedure by which the waiving of site and development application requirements are documented and made a part of the applicant's file. This documentation can only serve to demonstrate clearly to the applicant, and other County staff involved in the project what is and is not required of the applicant. In that minutes are not taken at pre-application meetings, this process will only serve to clarify requirements of the applicant and their compliance with the site and development plan approval process.

TYPE B REVIEW - TIME FRAMES, SECTION 10-1479

Discussion: This section of the code provides the process by which certain types of development are reviewed and either approved or denied. The process requires a pre-application, application, and Development Review Committee (DRC) approval. Included in the process are various time frames and constraints placed upon both the applicant and the County. Section 10-1479 (9) (c) states that within 10 days after receipt of the application for site and development plan approval, the applicant

shall be notified whether the application contains all the required information at the required level of detail.

Findings: GEM has implemented a standing policy of conducting Technical Staff Review Meetings on the 2nd and 4th Wednesday of each month. This step is intended to have the appropriate staff review the completed applications and provide the requirements as outlined in the County Code. GEM has established standing meetings for Pre-Application Conferences for the 1st and 3rd Wednesday of each month. In reviewing various files, the time frame from the point of application submittal to the Technical Staff Review meeting generally exceeds the ten day requirement outlined in the County code.

Preliminary Recommendation: Community Development should evaluate existing internal procedures and make necessary adjustments to comply with the ten day requirement imposed by the County code in Section 10-1479 (9) (c).

Community Development Response: *Staff responded to this finding by clarifying that the ten day period established in the code indicates "ten working days" as the period for staff to provide the applicant with a determination of completeness. Staff also contends that it is standard operating procedure to fax copies of the technical review report to the applicant prior to the Technical Staff Review meeting. Community Development offers that "staff will review the current practice and procedures for notifying the applicant concerning application completeness... and enhance fax transmittal record keeping/documentation."*

The review finding takes into consideration the "ten working days" as clarified by staff. Furthermore, the files considered in this review indicate that the ten working day requirement was exceeded in all three of the type B site plans reviewed by at least 5 working days.

Final Recommendation: Community Development should evaluate existing internal procedures and make necessary adjustments to comply with the ten day requirement imposed by the County code in Section 10-1479 (9) (c). When utilizing faxed transmissions to comply with the ten working day requirement, the project file should be documented and this record should be incorporated into the project file.

PARKING STANDARDS COMMITTEE, SECTION 10-1027

Discussion: This section of the code establishes a parking standards committee comprised of "the planning director, the growth management director and the public works director." The section generally describes the purpose of the committee.

Findings: The existing Parking Standards Committee appears to be designees of the various directors authorized in this section of the Code (Attachment #5, page 5). The use of designees is not inconsistent with other sections of the County Code, however this particular section does not authorize this to occur.

Preliminary Recommendation: Section 10-1027 should be revised to allow for the various directors to utilize designees.

Community Development Response: *Community Development agrees with this recommendation to revise the LDR to specifically indicate that the Parking Standards Committee members as established in Section 10-1027 can be represented by designees.*

Final Recommendation: Section 10-1027 should be revised to allow the various directors that encompass the Parking Standards Committee to utilize designees.

APPEALS TO BOARD OF COUNTY COMMISSIONERS, SECTION 10-1489

Discussion: This section of the County Code addresses appealing a site and development plan decision to the Board of County Commissioners.

Findings: The Board of County Commissioners were requested by a citizen to review the approval of the Seminole Racetrack site and development plan under the authority granted in Section 10-1489. The County Attorney has advised the Board that this section of the County Code does not apply to type B site and development plan reviews (Attachment #12). The County Attorney explains that this section of the Code only applies to decisions or recommendations of the Planning Commission on Type D site and development plan reviews, rezonings, and other decisions within Planning Commission jurisdiction.

Preliminary Recommendation: Section 10-1489 should be revised to clearly stipulate when this appeal process is applicable.

Community Development Response: *The County Attorney's Office is the appropriate area to respond to this issue.*

Final Recommendation: Defer the issue of whether to eliminate or revise Section 10-1489 to the County Attorney's Office for consideration.

DELEGATIONS CONTAINED IN DIVISION 4 OF THE LDR

Discussion: Various sections of Division 4 of the LDR "Procedures for Review and Approval of Site and Development Plans" contain terminology authorizing either the County Administrator of the Director of Growth and Environmental Management or their designee to perform certain functions.

Finding: There are numerous references in this section of the code to "the county administrator or designee" and "director of growth and environmental management or designee." For example, Section 10-1481 (3) (b) allows the county administrator or designee to waive a requirement of an application for site and development plan approval. However, Section 10-1478 (10) (c) allows the director of growth and environmental management or designee to determine whether the application contains all required information at the required level of detail.

Preliminary Recommendation: For purposes of consistency, it is recommended that for Division 4 of the LDR (Procedures for Review and Approval of Site and Development Plans), the director of growth and environmental management or designee terminology be replaced with the county administrator or designee.

Community Development Response: *Community Development agrees with this recommendation.*

Final Recommendation: For purposes of consistency, it is recommended that for Division 4 of the LDR (Procedures for Review and Approval of Site and Development Plans), the director of growth and environmental management or designee terminology be replaced with the county administrator or designee.

III. SUMMARY OF FINAL RECOMMENDATIONS

This section provides a summary of the final recommendations that were presented above.

Regarding the Seminole Raceway Project:

1. The approved site and development plan should not be able to proceed as currently submitted and the applicant must correct all inaccuracies and deficiencies.
2. The County Attorney's Office should review the language in Section 10-210 as it relates to karst features and determine the most appropriate revision.
3. The County Attorney's Office should review the Special Exceptions Section of the Code (Section 10-954 (e)) allowing Board of County Commissioner input to the process and determine appropriate revisions.

Other Relevant Recommendations:

4. Include in the upcoming agenda item seeking Board approval for final platting of the Oak Ridge Place Subdivision an option to allow Board ratification of the DRC approval of this project.
5. Review the current process and revise procedures as appropriate to enhance internal review of a project's PUV certificate with the formal site plan application for consistency and LDR compliance.
6. Community Development is strongly urged to implement a procedure by which the waiving of site and development application requirements are documented and made a part of the applicant's file.

7. Community Development should evaluate existing internal procedures and make necessary adjustments to comply with the ten day requirement imposed by the County code in Section 10-1479 (9) (c). When utilizing faxed transmissions to comply with the ten working day requirement, the project file should be documented and this record should be incorporated into the project file.
8. Section 10-1027 should be revised to allow the various directors that encompass the Parking Standards Committee to utilize designees.
9. Defer the issue of whether to eliminate or revise Section 10-1489 to the County Attorney's Office for consideration.
10. For purposes of consistency, it is recommended that for Division 4 of the LDR (Procedures for Review and Approval of Site and Development Plans), the director of growth and environmental management or designee terminology be replaced with the county administrator or designee.

Attachments:

1. Components and Overview of Site and Development Process
2. April 9, 2002 Agenda Item on Site and Development Review Process
3. Review Time Line
4. March 12, 2003 Memo from Community Development
5. Seminole Raceway Application for Parking Standards Committee Review
6. Seminole Raceway Traffic Study
7. Seminole Raceway May 1, 2002 DRC Parking Comments
8. Seminole Raceway Parking Spots
9. Seminole Raceway Site and Development Plan Approval Letter
10. Excerpt from April 9, 2002 Board Meeting Minutes
11. Excerpt from July 17, 2002 Planning Memo
12. April 1, 2003 Memo from County Attorney
13. Community Development's Response to Review
14. Public Works' Response to Review
15. Other Seminole Raceway Design Concerns

DEVELOPMENT REVIEW AND APPROVAL SYSTEM

The Community Development site and development plan process is broken down in the following components:

- 1) Land use and project determination - The purpose of this process is to clarify land use and permit issues and determine the appropriate review type for each proposed project. Per the Code of Laws, land use and project determinations shall be made by the county administrator or designee in the form of a permitted use verification (PUV). Prior to filing any application for development, the applicant must first obtain a PUV from the County Community Development Department.
- 2) Project status determination - For development proposals not required to comply with Article XI, "Subdivision and Site and Development Plan Regulations," the applicant must request a project status determination (PSD) or a certificate of concurrency from the County Community Development Department prior to submitting an application for development approval. The PSD will indicate on what basis the proposed project is exempted or vested from the provisions of this article and identify the development standards that will be applied in the review of the proposed project. An example of the type of project that would be exempted from this article is the Wharf Deck Conversion project which was a part of this review. This project was exempted from the site and development review process because the proposal to enclose an existing deck on the property did not exceed the applicable thresholds established in the code to warrant a review.
- 3) Pre-application conference - Depending on the type of review required for a proposed development, the applicant may be required, or may request a pre-application conference. This conference is scheduled with representatives from the various County and City Departments (i.e., Planning, Public Works, City Electric, City Fire, etc.) relevant to the proposed project to set forth the specific application requirements once a development review track is identified (i.e., type A, B, C or D).
- 4) Development review types - As previously mentioned, there are four different types of development reviews (type A, B, C or D) based on the provisions of Article XI, project complexity, site characteristics, and all applicable land development requirements. On April 9, 2002 the Board was provided an agenda item that presented a summary overview of the County's Site and Development Plan review process, specifically addressing the four types of development reviews (Attachment #1).

A Limited Partition Subdivision allows a property owner to divide residential or nonresidential properties in certain land use areas when specific conditions are met. These developments are subject to a Limited Partition Review which is a process outside the A, B, C and D review types and is outlined in Section 10-1426 of the County Code.

- 5) Exceptions - This section provides for development exceptions to those review types (type A, B, C or D) and their related criteria that is outlined in the Code (Section 10-1477 (5) (a-h)).

OVERVIEW OF APPLICATION PROCESS

When a proposed development is assigned a review type (A, B, C or D) through the issuance of the PUV, the applicant is either required, or may request the scheduling of the **Pre-Application Conference** (defined above). Pre-Application Conferences are required for type B, C and D reviews. The applicant must submit an application for the Pre-Application Conference. Prior to, or concurrent to submitting the appropriate pre-application, the applicant must apply and receive approval of a **Natural Features Inventory (NFI)**. The NFI will identify the location of the natural features on the proposed development site and the site plan should be developed with consideration to these natural features.

As part of the site and development plan process, the applicant must also complete an application for **Environmental Impact Analysis (EIA)** concurrently, or before the formal application for Technical Staff Review. The EIA serves as a collection of materials which demonstrates that the proposed development activity has mitigated the adverse effect of development on conservation and preservation areas, stormwater and trees and discusses the project's impact to any natural features that were revealed on the NFI.

After the Pre-Application Conference, should the applicant be interested in moving forward with the proposed project, he or she must submit the appropriate application and be scheduled for **Technical Staff Review (TSR) Meeting**. Upon receipt of the application, the Director of the County's Community Development Department, or his designee is required, within ten days after receipt, to determine whether the application contains all required information at the required level of detail, and shall advise the applicant of all areas of deficiency.

All developments (except those exempted or vested from the Comp Plan) are required to undergo **concurrency review**. The purpose of concurrency review is to insure that specific services, (i.e., roads, sewers, parks, stormwater drainage, etc.) will be able to meet the demand that new development will place on these services. Completed applications for concurrency review must be submitted with the application at the Technical Review stage of this process.

Within the ten days after receipt of the application, the Technical Staff Review Meeting is scheduled with the applicant. Much like the Pre-Application meeting, the Technical Staff Review Meeting is scheduled with representatives from the various County and City Departments (i.e., Planning, Public Works, City Electric, City Fire, etc.) relevant to the proposed project. At the TSR Meeting, staff will present to the applicant any review comments and required site plan revisions, if any.

At this point, approval, approval with conditions, or denial of the site and development plan for type A reviews will be granted once all necessary staff comments have been addressed. For type B, C and D reviews, the next step in the process is the scheduling of a **Development Review Committee (DRC) Meeting**. The DRC is composed of the Directors of the County Community Development, Public Works and the City/County Planning Departments, or their designees. To be scheduled for DRC review, the applicant must have first completed a pre-application meeting and technical staff review conference and must submit a letter of intent requesting DRC review and copies of the site and development plans.

For Type B reviews, the DRC may approve, approve with conditions, or deny development proposals. For Type C reviews, the DRC makes a recommendation on the application to the Board which is the approval authority for these projects. For Type D reviews, the DRC makes a recommendation on the application to the Planning Commission which in turn makes a recommendation on the project to the Board - the approval authority for these projects.

Board of County Commissioners Agenda Request 24

Date of Meeting: 4/9/2002

Date Submitted: 4/4/2002

TO: Honorable Chairman and Members of the Board
FROM: Parwez Alam, County Administrator
Gary W. Johnson, Director of Community Development
SUBJECT: County's Site and Development Plan Review Process

Statement of Issue:

To provide the Board of County Commissioners a summary overview of the County's site and development plan review process as outlined in Chapter 10 of the Code of Laws.

Background:

At the Board's March 19, 2002 Town Hall meeting at the Buck Lake Elementary School, the Board proposed certain actions with regard to the review of the proposed reopening of the Seminole Raceway located on the Blountstown Highway. Specifically, the Board indicated their desire to have staff agenda the development proposal for the County Commission to review. During the Board discussion, the County Attorney raised concerns with regard to the Board's actions, specifically regarding compliance with the County's site and development plan review procedures as established in Chapter 10 of the Code. Subsequently, on March 26, 2002, the County Attorney issued a memorandum to the Board regarding the proposed Seminole Raceway project which outlined the development review process associated with the proposed raceway reopening (Attachment 1). The memorandum also indicated that staff from Community Development should provide the Board with a summary of the County's site and development plan review processes.

Analysis:

Chapter 10 of the County's Code of Laws (the Land Development Code) establishes a four (4) tier approach to site and development plan review. This tiered approach is related to the size of the proposed development (residential units or square feet of nonresidential) and the zoning district where the proposed development will be located. The following details of each of the levels of site and development plan review that are presently codified in the County's Land Development Code (LDC).

The first or "lowest level" of development review established by the LDC is the Type "A" Site and Development Plan Review process. This level of review is outlined in Section 10-1478 of the LDC. Proposed projects at this level of review can range from 10 dwelling units or 5,000 square feet of nonresidential uses in the RP, LP, RA, R-1, R-2, R-3, R-4, R-5 and OS zoning districts to 400 dwelling units or 100,000 square feet on nonresidential uses in the Activity Center Zoning District. Type "A" level proposals are approved by the County Administrator or designee and require a pre-application and Staff Technical Review meeting. Notification signs are placed onsite, and abutting property owners are noticed and invited to participate in the pre-application meeting. Final approval, approval with conditions, or denial is granted subsequent to a notice of pendency being mailed to abutting property owners. The final decision with regard to Type "A" proposals can be appealed by the applicant or affected party to an administrative

hearing officer. The LDC also provides for mediation prior to the appeal hearing.

The next level of development review established by the LDC is the Type "B" Site and Development Plan Review process. This level of review is outlined in Section 10-1479 of the LDC. Proposed projects at this level of review can range from 49 dwelling units or 24,999 square feet of nonresidential uses in the RP, LP, RA, R-1, R-2, R-3, R-4, R-5 and OS zoning districts to 499 dwelling units or 499,999 square feet of nonresidential uses in the Activity Center Zoning District.

Type "B" level development proposals are approved by the County's Development Review Committee (DRC) and require a pre-application, Staff Technical Review, and DRC meeting. Per the LDC, the DRC is composed of the Director of Public Works or designee, the Director of Community Development or designee, and the Planning Director or designee. Notification signs are placed onsite, and all property owners and registered homeowner's associations within 500 feet are noticed by mail of the preapplication meeting and the DRC meeting. The DRC meeting is also noticed in the Tallahassee Democrat. The appeal process associated with this level of review is the same as outlined above for the Type "A" review process.

The next level of development review established by the LDC is the Type "C" Site and Development Plan Review process. This level of review is outlined in Section 10-1479.1 of the LDC. Proposed projects at this level of review can range from 50 or more dwelling units or 25,000 square feet or more of nonresidential uses in the RP, LP, RA, R-1, R-2, R-3, R-4, R-5 and OS zoning districts to 500 or more dwelling units or 500,00 square feet or more of nonresidential uses in the Activity Center Zoning District.

Type "C" level development proposals are approved by the County Commission and require a pre-application, Staff Technical Review, and DRC meeting. The DRC provides a recommendation regarding the proposed development which the County Commission considers during their decision making process, conducted during an advertised public hearing. Public notification procedures for the Type "C" level project are the same as for the Type "B" level, with the addition of the Board's advertised public hearing. The appeal of the County Commission's decision with regard to proposed Type "C" level projects is to the Circuit Court.

The final, and "highest level" of development review established by the LDC is the Type "D" Site and Development Plan Review process. This process is limited to: 1) development proposals that require PUD rezoning; or, 2) Developments of Regional Impact pursuant to Chapter 380, Florida Statutes; or, 3) transitional residential facilities; or, 4) developments located within the Interchange Commercial Zoning District.

The process associated with Type "D" level projects is the same as outlined above for Type "C" level proposals, with the addition of a public hearing before the Planning Commission prior to the Board's public hearing. Based on the Planning Commission's public hearing on the proposal, a recommendation is forwarded to the Board for consideration. The appeal of the County Commission's decision with regard to proposed Type "D" level projects is to the Circuit Court.

Under the current site and development plan review process as established by the County's LDC and summarized above, the proposed Seminole Raceway falls within the thresholds established for a Type "A" level review. However, under the provisions of Section 10-1479(6) of the LDC, staff is provided the authority to elevate the required level of review from a Type "A" to a Type "B" based on a proposed project's unique locational characteristics and proximity to low density residential development. Because the existing raceway to be reopened is adjacent or in close proximity to low density residential development consistent with the LDC, staff elevated the proposed project to a Type "B" level review. This is the only provision (Section 10-1479(6)) in the County's LDC which provides the authority to elevate the required review level of a proposed project. The LDC does not provide the authority (or specific criteria)

for staff to elevate development proposals from the Type "B" level of review to the Type "C" level of review.

As outlined in the attached memorandum from the County Attorney's Office, the Seminole Raceway reopening proposal has been in the County's development review process since February 2001.

In December 2000, staff determined the proposal required a Type "B" level of development review process and the applicant, Seminole Raceway, has proceeded, including a Pre-application and Staff Technical Review meeting. A DRC meeting regarding the proposed reopening of the raceway was held on March 20, 2002. Based on issues raised by DRC members and staff at that meeting, the proposal has been continued until the regularly scheduled meeting of the DRC on May 1, 2002.

Options:

1. Accept staff's report on the County's site plan review process and overview of the review process associated with the proposed Seminole Raceway reopening.
2. Do not accept staff's report.
3. Board Direction.

Recommendation:

Option 1

Attachments:

#1 Memorandum dated March 26, 2002 regarding the Seminole Raceway Application for Development Review.

GEM Review Time Line of Meetings

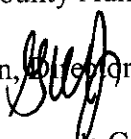
Date of Meeting:	Subject:
January 22, 2003	Formal complaint regarding the Seminole Raceway Site and Development Plan approval was filed with the County Administrator.
March 10, 2003 2pm - 4pm	Meeting with Becky Subrahmanyam regarding her concerns of the site approval for the dragstrip
March 13, 2003 9am - 11am	Meeting with David McDevitt regarding site development and review process overview
March 20, 2003	Alan Rosenzweig requests (in a memo) files for a sample of ten approved site and development plans from Development Services and Environmental Compliance
March 26, 2003 8am - 11am	Internal meeting to review LDR and Development Services' procedures manual and forms for site and development plan application
March 26, 2003 1pm - 3pm	Meeting with Planning Department (Val Hubbard and Wayne Tedder) for an overview of Comprehensive Plan and LDR.
March 27, 2003 10:30am - noon	Meeting with County Attorney's Office (Suzanne Schmith) to review lawsuit filed by Subrahmanyam and to gain an overview of results of County's case
March 31, 2003	Development Services and Environmental Compliance deliver copies of requested site and development plans
April 1, 2003 8:30 am - 11:30am	Meeting with Environmental Compliance (John Kraynak) to gain an understanding of NFI, EIA and environmental compliance issues of the site and development plan process
April 2, 2003 1:30 pm - 3:30 pm	Attended a site and development plan pre-application meeting on a Type A and a Type B review.
April 14, 2003 3:30 - 5:00 pm	Meeting with Planning Department regarding zoning and future land use issues.
April 23, 2003	Conference call with Wayne Tedder regarding follow-up questions on zoning and future land use issues.
April 24, 2003 2:00 - 2:30 pm	Conference call with Alex Mahon, Department of Health regarding sewer/septic permitting.
April 25, 2003 10:00 - 10:30 am	Conference call with David McDevitt regarding Oakridge Place Subdivision project and preliminary findings of report

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

DATE: March 12, 2003

TO: Parwez Alam, County Administrator

FROM: Gary W. Johnson, , Community Development Department

SUBJECT: Becky Subrahmanyam's Concerns Regarding Environmental Review of the Seminole Raceway Project

Staff has reviewed the document produced by Ms. Subrahmanyam titled: "Irregularities and Environmental problems with the Application and Review of the Seminole Raceway Project". Our response to each issue will be in the same number sequence as the 11 items referenced in Ms. Subrahmanyam's document. John Krainak, Director, Environmental Compliance Division, and David McDevitt, Director, Development Services Division, contributed to the content of this document. Each of her concerns will be restated in bold print followed by staff's response, with some underscore for emphasis.

1. Though this project consists of two parcels, there is only one Permitted Use Verification (PUV) which contains the parcel ID# for the smaller parcel and the acreage for the larger parcel.

Staff Response: The Permitted Use Verification (PUV) that was issued (Certificate Number VC000176) by the County for the proposed reopening of the raceway indicates that the project acreage is 111.23 acres and notes the Parcel Tax Identification Number of 22-33-20-602-000-0. The application for the PUV indicates that the proposed project includes property represented by two tax parcel identification numbers, 22-33-20-602-000-0 and 22-33-20-605-000-0. The acreage noted on the PUV Certificate issued by the County is consistent with the PUV application submitted by the applicant. However, the PUV Certificate indicates only one parcel identification number. This is because the Permit Enforcement Tracking system (PETS) software program that was modified to allow for the tracking of PUVs only allows for the entry of one parcel number in the data entry field that follows the Parcel Tax ID #. Because the project acreage noted on the PUV Certificate is correct and is supported by the information supplied by the applicant on the PUV application form, the absence of the second parcel identification number on the PUV Certificate is inconsequential. Attachment #1 are photocopies of the PUV Certificate and the application form with highlights added for emphasis.

2. This project runs through a wetland and has no minimum 20 foot buffer from the track to the wetland.

Staff Response: The 20 foot buffer is not required over pre-existing impervious area unless that specific portion of the site meets the definition of redevelopment.

Specific authority for not retrofitting pre-existing development is found in Subsection 10-186(b)(1) which states: A....where activities proposed for a parcel will be less extensive than that set out in the definition of redevelopment, the plans and specifications for such activity need only show that all requirements of this division will be met for the specific portions of the parcel subject to alteration, without requiring that the entire parcel be retrofitted. The race track itself is not being altered. The main alterations are near Hwy. 20 where the pit area is being modified and additional parking is being added.

The race track was constructed through a wetland back in the 1960s. The wetland limits, as identified in the Natural Features Inventory (NFI), were shown immediately adjacent to the existing race track impervious area which does not allow for the 20 foot natural buffer (Attachment #2). However, the owners of the property do not plan any modifications to the pre-existing 2,700 feet of race track, other than resurfacing which does not meet the definition of redevelopment activity. The definition of redevelopment in the LDRs is as follows: "Redevelopment shall mean the demolition or removal of the principal structure or 50% or more of the impervious surface existing on a site." Simply overlaying the existing track with new asphalt does not meet the definition of redevelopment activity, nor is it considered new development. It is considered a maintenance activity that occurs on all sites with asphalt. Thus, the buffering requirements are not required in the LDRs.

This provision was placed into the LDRs realizing that there are many scenarios that would prohibit maintenance activities and further development from occurring if the entire site had to be retrofitted to meet the current LDRs. One example similar to the race track is the currently proposed Florida Dept. Of Transportation (FDOT) improvements to Hwy. 27 (North Monroe). FDOT is adding turn lanes and safety features while overlaying with new asphalt the entire roadway surface from I-10 north to the Gadsden County line. If 20 foot natural buffering was required for wetlands immediately adjacent to the roadway, this would require that North Monroe be restricted from the existing four lanes down to two lanes in some areas because of resurfacing! This was clearly not the intent of the LDRs and is why the buffering is not required for the pre-existing asphalt on the race track. Buffering has been placed on all sides of the wetland that are not adjacent to the race track. There are a significant number of these examples all throughout Leon County. Staff has consistently not required retrofitting unless the site met the definition of redevelopment.

3. According to The Matrix, only passive recreational uses are allowed in a wetland.

Staff Response: Ms. Subrahmanyam appears to believe that the project is being placed in a wetland. The wetlands were delineated in the NFI and are being placed in conservation easement consistent with the Comp Plan and the LDRs (Attachment #2). There is no development activity proposed in the wetland. The matrix referred to is for development within a wetland, not adjacent to a wetland. The proposed development plans are in compliance with this matrix.

Becky Subrahmanyam's Concerns Regarding Environmental Review of the Seminole Raceway Project
March 12, 2003
Page 3

4. According to Policy 1.3.3[C], 1.3.4:[C], and 1.3.5:[C] from the Conservation Element of the Comprehensive Plan(Comp Plan), development in a preservation area, (including wetlands) "... shall be restricted to extremely low density and intensity type projects and must be clustered away from preservation areas."

Staff Response: Again, there appears to be some confusion. There are two preservation features on the site, wetlands and high quality successional forest, both of which are being placed in conservation easement in accordance with the Comp Plan and LDRs (Attachment #2). The policies referenced deal with densities and intensities within preservation features, not adjacent to them. No development is occurring within these preservation features. All of the development activities are proposed on non-environmentally sensitive portions of the site.

5. According to Section 10-974 of the LDR, when a Preservation Area, including a wetland, is present, that development will be "... subject to review by the County Commissioners."

Staff Response: This entire section is for "Lands within or lying under wetlands." Again, all preservation features are being placed in conservation easement. All proposed development activity is on non-environmentally sensitive portions of the site. Development within these preservation features is inconsistent with the Comp Plan and staff would not approve or even present such a variance to the BCC and can not be varied by the Board.

6. The Stormwater pond for the project will not catch any of the stormwater south of the Pit area.

Staff Response: The stormwater pond captures all the new development activity and approximately the northern 1/3 of the project site (see light red shading on Attachment #2). Stormwater treatment is not required for the southern 2/3 of the project site that contains the existing race track for the similar reasons mentioned in item #2 above.

Specific authority for not requiring stormwater for redevelopment activity is found in Subsection 10-186(b)(1) which states: "No development or redevelopment activity shall be permitted or undertaken subsequent to January 15, 1990, unless and until the director determines that plans and specifications for such activity indicate that all stormwater management requirements and standards of this division will be met for the entire site for new development activities, or for the particular parcel in the case of redevelopment activity. However, where activities proposed for a parcel will be less extensive than that set out in the definition of redevelopment, the plans and specifications for such activity need only show that all requirements of this division will be met for the specific portions of the parcel subject to alteration, without requiring that the entire parcel be retrofitted."

Becky Subrahmanyam's Concerns Regarding Environmental Review of the Seminole Raceway Project
March 12, 2003
Page 4

The owners of the property do not plan any modifications to the pre-existing 2,700 feet of race track, other than resurfacing which does not meet the definition of redevelopment activity. The definition of redevelopment in the LDRs is as follows: "Redevelopment shall mean the demolition or removal of the principal structure or 50% or more of the impervious surface existing on a site." Simply overlaying the existing track with new asphalt does not meet the definition of redevelopment activity, nor is it considered new development. It is considered a maintenance activity that occurs on all sites with asphalt.

This provision was placed into the LDRs realizing that there are many scenarios that would prohibit maintenance activities and further development from occurring if the entire site had to be retrofitted to meet the current LDRs. One example similar to the race track is the previously mentioned proposed Florida Dept. Of Transportation (FDOT) improvements to Hwy. 27 (North Monroe). FDOT is adding turn lanes and safety features while overlaying with new asphalt the entire roadway surface from I-10 north to the Gadsden County line. North Monroe was constructed prior to stormwater management regulations being implemented. Stormwater is being required for all new impervious area, but if the entire resurfacing project was required to be retrofitted for stormwater, it would be cost prohibitive to perform this maintenance work due to the cost of retrofit stormwater facilities. This was clearly not the intent of the LDRs and is why stormwater is not required for the pre-existing asphalt on the race track. There are a significant number of these examples all throughout Leon County. Staff has consistently not required retrofitting unless the site met the definition of redevelopment.

The stormwater facility will capture the northern 1/3 of the site which includes the more intense pit area and starting line. The proposed stormwater treatment is retention with percolation which provides very good water quality treatment versus the often used sand filter system that allows some dissolved pollutants to discharge downstream. The race track is very flat along the portion not being captured by the stormwater facilities. Staff will require a pollution response and containment plan as part of the Environmental Permit to address potential spills.

7. This waterbody is most likely a sinkhole. Therefore, untreated stormwater may be flowing into an active karst feature which may have a direct connection to the aquifer.

Staff Response: Active karst features are regulated in the LDRs in Section 10-210. Special treatment is required in subsection (1) if runoff from a site is directly discharging into the active karst feature which is not the case for this development. The proposed stormwater pond is discharging directly into a wetland and the existing race track is discharging into the wetland which is approximately 1/3 of a mile away from the above referenced waterbody (see waterbody on Attachment #2). All new development is being treated to meet the required stormwater standards in the LDRs. The existing race track does not meet the definition of redevelopment as explained in item #6 above and therefore is not required to be retrofitted for stormwater. The

Becky Subrahmanyam's Concerns Regarding Environmental Review of the Seminole Raceway Project
March 12, 2003
Page 5

proposed development plan for the race track meets the EMA regulations.

8. According to Section 10-210(5), a permanent racetrack is not allowed to discharge any stormwater runoff into an active karst feature.

Staff Response: Active karst features are regulated in the LDRs in Section 10-210. Subsection 10-210(1) states: "Runoff to be discharged directly into the active karst feature shall be treated to comply with F.A.C. 62-520.420 prior to discharge." The key focus is the word "directly" which lays the predicate for the intent of Subsection 10-210(5) which states: "The following uses shall not discharge any stormwater runoff into an active karst feature....." Since there is no distance specified, staff has consistently interpreted this subsection to mean that those following uses shall not "directly" discharge any stormwater runoff into an active karst feature as predicated in Subsection 10-210(1). The stormwater facility and race track both discharge to a wetland and are 1/3 of a mile from the waterbody (Attachment #2). Whether this waterbody is an active karst feature is a moot point due to the distance from the development activity. Staff refers to this feature as a waterbody. This scenario is not a direct discharge into an active karst feature. Therefore, the race track is in compliance with the LDRs.

This interpretation is strongly supported by the fact that if the intent was not to use the term "directly" in Subsection 10-210(5), then none of the uses shown in that subsection could be constructed in Leon County. With no distance specified in Subsection 10-210(5), the only alternative assumption would be that all of the specified uses within the entire basin of the active karst feature could not discharge stormwater. All of the gasoline stations, car washes, laundries, repair services, etc., could not be constructed in the Lake Jackson, Lake Iamonia, Lake Lafayette, Fred George, Eastern Sinks, Lake Munson, Woodville Recharge, etc., basins since all of these basins drain toward active karst features. All of these basins have very well known sinkholes that have direct conduits to the aquifer. This is clearly not the intent of this code provision.

9. According to Section 10-973(d), developments within Conservation Areas, including active karst features, shall be subject to review and approval by the BCC.

Staff Response: The review by the BCC is not applicable since there is no development activity proposed within the waterbody (alleged by Ms. Subrahmanyam as an active karst feature). The waterbody is located approximately 1/3 of a mile from the race track and is not within the limits of the proposed development (Attachment #2).

10. Although, the waterbody on the property is most likely a sinkhole, the definite nature of the waterbody is not known because the NFI on the larger parcel is incomplete since it is the policy of the County to allow developers to do the NFI on just the development site, rather than the

Becky Subrahmanyam's Concerns Regarding Environmental Review of the Seminole Raceway Project
March 12, 2003
Page 6

whole parcel as Section 10-346 requires.

Staff Response: Staff requires identification of features outside the development site if it is necessary for determining effects on or from the site and for LDR compliance. For example, staff would require offsite analysis of a floodplain if a small portion of this floodplain was located on the proposed development site. This feature would have a direct effect on the limits of the floodplain shown on proposed development site. Many times, this is discussed in the Pre-application Meeting with the consultant or it can become an issue once staff reviews the NFI application and performs a site visit.

In the case of the race track, the downstream waterbody was reviewed by staff, but since it was located 1/3 of a mile away and there was no direct discharge of stormwater from the development site proposed, there was no need to pursue further information on this feature. The proposed development's stormwater facility and existing race track both directly discharge into the wetland which discharges to a watercourse before entering the waterbody downstream. As mentioned in item's 8 and 9 above, the proposed development site was not directly discharging stormwater into the waterbody, so whether it was an active karst feature or not was, and still is, a moot point.

- 11. Since it is The Policy of the County to require only partial NFIs, there may be many similar "Ecological Time Bombs" around the County that no one knows about.**

Section 10-838(C) allows any person to file a written complaint whenever a violation of Article X of the LDR is alleged to have occurred.

Staff Response: The County does not require "partial NFIs". A complete NFI is required for the development site. Staff requires identification of features outside the development site if it is necessary for determining effects on or from the site and for LDR compliance. In the case of the race track, the downstream waterbody was reviewed by staff, but since it was located 1/3 of a mile away and there was no direct discharge of stormwater from the development site proposed, there was no need to pursue further information on this feature. The proposed development's stormwater facility and existing race track both directly discharge into the wetland which discharges to a watercourse before entering the waterbody downstream. As mentioned in item's 8 and 9 above, the proposed development site was not directly discharging stormwater into the waterbody, so whether it was an active karst feature or not was, and still is, a moot point. Staff does not require information in the NFI application for areas outside the development site if it can serve no purpose. There are no "Ecological Time Bombs" in the County's permitting process.

Becky Subrahmanyam's Concerns Regarding Environmental Review of the Seminole Raceway Project
March 12, 2003
Page 7

Ms. Subrahmanyam indicated that Section 10-838(c) allows any person to file a written complaint whenever a violation of Article X of the LDR is alleged to have occurred. Article X is the Zoning Code for Leon County. All of the environmental issues are found in Article VII, the Environmental Management Act (EMA). Section 10-838(c) does not apply to the EMA.

Section 10-364 allows the director to revoke any permit issued by the County if incorrect information was furnished by the applicant for the permit. The applicant has only received Site Plan approval. He has not yet submitted an environmental permit, so there is no permit that can be revoked. Currently, based on the above analysis, the Site Plan is in full compliance with all environmental regulations.

In summary, there was much research performed and many issues brought forward by Ms. Subrahmanyam. We believe that we have fully provided an explanation for each of her concerns. We also firmly believe that the approved Site Plan is in full compliance with all environmental regulations and the Comprehensive Plan. Based on the above analysis, we further believe that there were no violations that occurred in the application process for the Seminole Raceway Project.

If you have any questions or need further clarification, please advise.

cc: Herb Thiele
John Kraynak
David McDevitt
Clay Carithers
Grady Underwood
Jill Mayo

Attachments: 1. Seminole Racetrack PUV, Application and PETS Print Out
 2. Seminole Racetrack Sensitive Features Map

LEON COUNTY
REQUEST FOR PERMITTED USE VERIFICATION CERTIFICATE

Please Return Completed Application To:
Leon County Growth and Environmental Management
Development Review and Inspection Division
3401 West Tharpe Street
Tallahassee, Florida 32303
(904) 488-9300

Date: 10-7-00 Tax Parcel I.D. Number: 22-38-20-602-000-0
(If the Tax Parcel I.D. Number is not known, contact the
Leon County Property Appraiser's Office at 488-6102)
Parcel Size (In Acres): 111.23
10.10
121.33
☒ Change of Use (\$75) ☐ New Structure/Addition/Subdivision (\$75)
Parcel Street Address (If Any): none

Is the Property Vested From the 2010 Comprehensive Plan? ☐ Yes ☒ No
(If yes, please attach a copy of the vested rights certificate to this application)

Existing Use: CLOSED/ABANDONED DRAGGING TRACK
Proposed Use (Be as Specific as Possible): RE-OPEN AS DRAGGING TRACK

Please be aware that all parcels of land must be "legal lots of record", meaning that the parcel was created in accordance with
Subdivision Regulations in effect at the time the parcel was created. For information on whether a parcel of land is a legal lot
of record, contact the Leon County Department of Growth and Environmental Management at 488-0300.

Is Subdivision of the Subject Property Proposed? ☐ Yes ☒ No 2-story 96'-Bottom
? 192 Sq. FT 96'-Top

Existing Building Square Footage (If Non-Residential Use): 0
Proposed Building Square Footage (If Non-Residential Use): 0

Existing Number of Residential Dwelling Units (If Residential): 11/10/00 10:24AM 0000#2149

Proposed Number of Residential Dwelling Units (If Residential): NA #00100176

This Property is (or will be) served by (Check All That Apply):
☐ Sanitary Sewer ☐ Water System ☒ Septic Tank ☒ Private Water Well
PUV \$75.00
CHECK \$75.00

(For information on the availability of sanitary sewer and/or potable water, please contact the City of Tallahassee Water and
Sewer Department at 891-6165 or Talquin Electric Cooperative, Inc. at 878-4414).

Driveway Access to the Subject Property is By (Name of Road): BLOUNTSTOWN HIGHWAY
Is this an Existing Driveway or a proposed Driveway? ☐ Existing ☐ Proposed

Please indicate on the Lines Provided Below the Existing Land Uses
Immediately Surrounding the Subject Property and Across any Streets

(For example, Restaurant, Apartments, Convenience Store, etc.):

North: STATE LAND / SFR / BLOUNTSTOWN HWY
South: US GOV LAND NATIONAL FOREST
East: WHISTERINGTINE MH SUB
West: US GOV LAND NATIONAL FOREST

Applicant's Name (Please Print): Charles Wimberly
Applicant's Mailing Address: Rt. 1 Box 116 Greenville, FL 32331
Applicant's Day Time Telephone Number: 850-838-1224 Fax: 850-838-1124

☒ Mail Certificate ☐ Call Number Above ☐ Fax

PLEASE NOTE: SUBMITTAL OF THIS APPLICATION WILL RESULT IN THE ISSUANCE OF A PERMITTED USE
VERIFICATION CERTIFICATE. THE CERTIFICATE WILL INDICATE IF THE PROPOSED USE IS GENERALLY CONSISTENT
WITH THE LEON COUNTY CODE OF LAWS. THE CERTIFICATE WILL ALSO INDICATE IF ADDITIONAL SITE AND
DEVELOPMENT PLAN OR PERMITTING REVIEW IS REQUIRED TO DEVELOP THE PROPOSED USE. THE APPLICANT
ASSUMES FULL RESPONSIBILITY FOR THE ACCURACY OF ALL INFORMATION PROVIDED, AND MAY BE REQUIRED
TO FURNISH ADDITIONAL INFORMATION BEFORE A CERTIFICATE IS ISSUED. CLAIMS TO VESTED RIGHTS FROM
THE 2010 COMPREHENSIVE PLAN MUST INCLUDE COPIES OF THE VESTING CERTIFICATE. A PERMITTED USE
VERIFICATION CERTIFICATE IS APPEALABLE TO THE PLANNING COMMISSION PURSUANT TO THE LEON COUNTY
CODE OF LAWS. SUBSEQUENT SITE PLAN AND DEVELOPMENT PLAN REVIEW AND/OR PERMITTING MAY LIMIT THE
ABILITY TO CONSTRUCT THE DEVELOPMENT DESCRIBED IN THE CERTIFICATE.

**PERMITTED USE VERIFICATION
CERTIFICATE NUMBER: VC000176**

Attachment # 4
Page 9 of 11

ISSUED TO:

Name: CHARLES WIMBERLY
Address: RT-1, BOX 116, GREENVILLE, FL , 32331

Phone #: (850) 838-1224

Project Acreage: 111.23
Zoning District.: UF
Parcel Tax ID#.: 2233206020000

Re-open as a dragracing track.

COMMENTS

1: This document certifies that the parcel referenced above is eligible to reopen the existing race track facility. The subject property is in the UF-Urban Fringe zoning district and future land use category. Commercial Sports Operations (SIC 794 which includes dragstrip and racetrack operations) are allowed as an active recreation land use type in this district. Section 10-861 defines a "nonconforming use" as the use of a property for a purpose or in any manner made unlawful by the lists of permitted uses, land use development criteria, commercial location standards, buffer zone standards, or any other use regulations, development standards or dimensional requirements applicable to the subject property under the current Land Development Regulations. While the requested use is allowed in this district, the existing racetrack facilities which were developed prior to most zoning, building, and development standards are not consistent with current standards. The existing facility has not been in operation continuously or open to the public at any time since adoption of the Tallahassee/Leon County Comprehensive Plan and associated land development regulations (1990). This lack of activity clearly meets the code standard (24 months) for discontinuance through abandonment. Because the subject property's use as a racetrack has not been continuous, it does not qualify for Legal Nonconformity Status. Due to this site's proximity to residential land uses its use as a racetrack is subject to Type B site and development plan review.

The applicant may refute staff's determination that the racetrack was discontinued through abandonment, by providing documentation which shows that the racetrack has been in continuous operation without a lapse of 24 months or more since July 16, 1990. Some acceptable forms of documentation are: Utility statements, and or lease agreements.

CONDITIONS

Subject to the following sequence of reviews and required approvals:

- 1: Pre-Application Conference: Contact Development Review and Inspection at 488-9300
- 2: Concurrency Certificate: Contact Concurrency Mgt at 488-9300
- 3: Type B Review Contact: Development Review and Inspection at 488-9300
- 4: Building Permit Contact: Building Inspection at 488-4704
- 5: Environmental Permit Contact: Environmental Compliance at 488-9300

Submittal requirements are pursuant to the Leon County Zoning, Site and Development Plan and Subdivision Procedures and Information Manual for the Process identified above.

Subsequent permitting and site plan review may limit the ability to construct above described development. This certificate is exclusive to the terms and conditions herein and is valid under the 2010 Comprehensive Plan and the Leon County Land Development Regulations in effect at the time of issuance. Amendments to the 2010 Comprehensive Plan or to the Land Development Regulations may alter the terms and conditions of this certificate.

Status: **ELIGIBLE**

Date Approved: 12/01/2000


Development Review Division
Leon County Community Development

COPY

Seminole Raceway - PUV

Type: L-PUV Vers: 9701 LC Pmt Use Ver/FEE (Active?)
Permit: VC000176
Status: ELIGIBLE
Date: 11/09/20

Locations for VC000176

Parcel No	Address or Site	Primary
22-33-20-602-0000	9935 BLOUNTSTOWN HWY	Yes
22-33-20-605-0000	BLOUNTSTOWN HWY	No

Location Description: Blountstown Highway

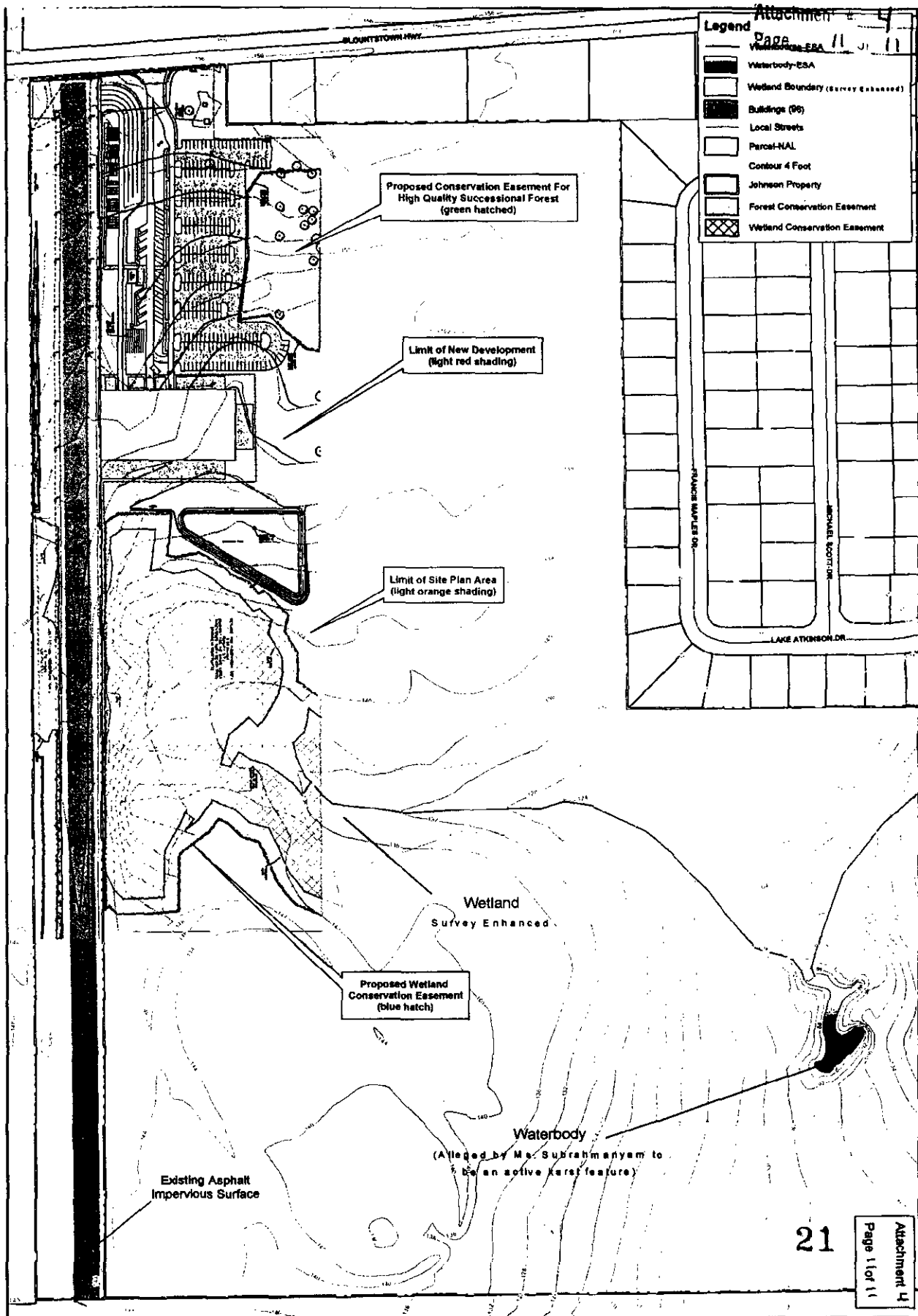
Buttons: Add Address, Delete Address, More, Add Parcel, Delete Parcel, More, Back, Stop, Exit, Microsoft Excel

Serial Number: 6114 Users: 100 Version: v 4.7.34

Attachment 4
Page 11 of 11

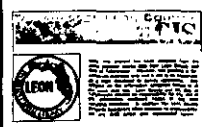
Legend

- Waterbody-ESA
- Wetland Boundary (Survey Enhanced)
- Buildings (96)
- Local Streets
- Parcel-NAL
- Contour 4 Foot
- Johnson Property
- Forest Conservation Easement
- Wetland Conservation Easement



21

Attachment 4
Page 11 of 11



Seminole Raceway Site

Georeferenced Site Plan Image

1 inch equals 200 feet
200 Feet NORTH



BOARD OF COUNTY COMMISSIONERS

301 South Monroe Street
Tallahassee, Florida 32301
(850) 488-4710

Department of Growth & Environmental Management
Development Services Division
3401 West Tharpe Street
Tallahassee, FL 32303
850.488.9300

Commissioners:
WILLIAM C. PROCTOR, JR.
District 1
JANE G. SAULS
District 2
DAN WINCHESTER
District 3
TONY GRIPPA
District 4
BOB RACKLEFF
District 5
ED DEPUY
At-Large
CLIFF THAELL
At-Large
PARWEZ ALAM
County Administrator
(850) 488-9962
HERBERT W.A. THIELE
County Attorney
(850) 487-1008

February 19, 2002

Kevin Hayes
DEC Engineering, Inc.
2467 Centerville Road
Tallahassee, FL 32308
850.385.5288

RE: Parking Standards Committee Review
Seminole Raceway, Type "B" Review
Tax ID: 22-33-20-602-0000 & 22-33-20-605-0000

Dear Mr. Hayes:

Pursuant to the authority granted through Section 10-1029 (b) of the Leon County Land Development Regulations (Chapter 10 of the Leon County Code of Laws), the Parking Standards Committee has approved your request for determination of parking standards for a drag race track. Proposed regular parking of 383 spaces for a 1,080-seat facility is satisfactory. Bicycle parking will be required at the ratio of 0.10 per required parking. Due to the intermittent nature of the proposed use, pervious parking is highly recommended.

Please note that since the Parking Standards Committee does not have the authority to review the requirements for handicapped parking spaces pursuant to Sec. 316.1955 and 1956 F.S.S., the standard approved above does not affect any handicapped parking requirements.

If you have any questions or comments, please feel free to contact me at 488.9300.

Sincerely,

Kevin C. Walford
Development Services Administrator

cc: David McDevitt, Director, Development Services
Wayne Tedder, Land Use Supervisor, Current Planning, TLC PD
Tony Park, Director, Engineering Services
Ray Burroughs, Director, Building Inspection
John Kraynak, Environmental Review Supervisor

Application for Parking Standards Committee Review

Page 2

7. Pursuant to Section 10-1044 of the Leon County Code of Laws, check the public interest(s) that is to be served as a result of the parking standards modification:

- a. ☐ Environmental Protection
- b. ☐ Heritage Conservation
- c. ☐ Aesthetics
- d. ☐ Tree Protection
- e. ☐ Drainage

8. Land Use Type Existing and/or Proposed: Drag Strip

9. Tax Parcel Identification Number: 22-33-20-602-0000

10. This request is being filed in conjunction with or in anticipation of the following (check all that apply):

- a. ☐ Construction of a new building(s).
- b. ☐ Expansion of an existing building(s).
- c. ☐ Reuse of an existing building.
- d. ☒ Other (Specify): The re-opening of an existing drag strip

11. Total amount of building square feet existing: 99.63

12. Total amount of building square feet to be added: 600

13. Signature of Applicant(s): Linda G. Wimberly

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 30th day of January, 2002, by Linda G. Wimberly, who is personally known to me and who did take an oath and has acknowledged that they executed the foregoing application freely and voluntarily for the uses and purposes therein stated.

(Seal)



Beverly T. Douglas
MY COMMISSION # CC902531 EXPIRES
January 17, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

NOTARY PUBLIC – STATE OF FLORIDA

Sign: Beverly T. Douglas

Print: Beverly T. Douglas

My Commission Expires: 1/17/2004

Commission Number: CC 902531

DEC ENGINEERING, INC.

State Certificate # 4244

2467 Centerville Road ~ Tallahassee, Florida 32308 ~ (850) 385-5288 ~ Fax (850) 386-7586 ~ dec@nettally.com

January 30, 2002

Leon County
Department of Community Development
3401 West Tharpe Street
Tallahassee, Florida 32303

RE: Seminole Raceway
Tax ID No. 22-33-20-605-0000 and 22-33-20-602-0000
DEC Job No.: 00D-218

Parking Justification Statement

The above-referenced project is being reviewed by the Parking Standards Committee to determine the requirements for the regular parking, bike parking, and loading berths. This project is to re-open the existing drag strip located on Blountstown Highway. Schedule 6-2 in the Leon County Code of Laws does not have a category for this intended use. The proposed parking for the project was calculated on the basis of the number of people the owner anticipated. Assuming 1080 people with three people to a car as required for assembly, the required parking calculates to be 360 spaces. The proposed number of spaces of both the spectator's parking spaces and the racer's parking spaces is 383. This number of parking spaces is comparable to a facility of this size and use (such as the drag strip in Albany, Georgia).



Board of County Commissioners

Inter-Office Memorandum

DATE: February 1, 2002

TO: Parking Standards Committee
David McDevitt, Director of Development Services
Tony Park, Director of Engineering Services
Wayne Tedder, Supervisor, Land Use Planning, TLCPD

FROM: Kevin C. Walford, Development Services Administrator

SUBJECT: Seminole Raceway; Type "B" Review

Parking Standards Committee Request

Attached is a request for Parking Standards Committee approval for the proposed Seminole Raceway (Type B Review) for the proposed number of parking spaces. This request is *for a determination on what the regular parking, bike parking, and loading berths requirements should be for a drag strip. There is no published standard for this type of use in Schedule 6-2 of the Leon County Code of Laws.*

The proposed project has been through the County's Pre-application and Technical Review process as a Type B application. During these reviews, the applicant was advised of the need for Parking Standards Committee approval for the parking prior to Type B approval by the Development Review Committee.

Please review this request and provide written response to our office by 5:00 p.m. on **Friday, February 8, 2002**. Below is a summary of the request. Please feel free to contact me at 488.9300 if you have any questions.

Tax ID Number: 22-33-20-602-0000 & 22-33-20-605-0000

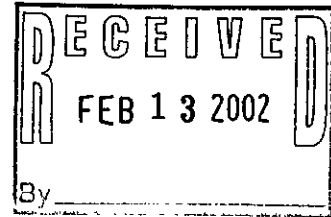
Project Description:

The site is located on the south side of State Road 20 approximately 2,400 ft west of Whispering Pines Drive. Proposed spectator capacity of the race track is 1,080 and the applicant is basing the required parking (383 spaces) off the ratio of three persons per car (360 spaces). The 23 excess parking spaces are within the 20% threshold as set per Sec. 10-1029 of the Leon County Code.

Attached:

Application for Parking Standards w/letter from DEC Engineering,
Dated 1-30-02; Submitted 1-31-02

Request for Parking Standards Review - Seminole Raceway Type "B"
Page 2
February 1, 2002



APPROVED/DISAPPROVED

Comments:

Tom Park

2-6-2002



Board of County Commissioners

Inter-Office Memorandum

DATE: February 1, 2002

TO:

Parking Standards Committee

✓ David McDevitt, Director of Development Services

Tony Park, Director of Engineering Services

Wayne Tedder, Supervisor, Land Use Planning, TLCPD

FROM:

Kevin C. Walford, Development Services Administrator

SUBJECT: Seminole Raceway; Type "B" Review

Parking Standards Committee Request

Attached is a request for Parking Standards Committee approval for the proposed Seminole Raceway (Type B Review) for the proposed number of parking spaces. This request is *for a determination on what the regular parking, bike parking, and loading berths requirements should be for a drag strip. There is no published standard for this type of use in Schedule 6-2 of the Leon County Code of Laws.*

The proposed project has been through the County's Pre-application and Technical Review process as a Type B application. During these reviews, the applicant was advised of the need for Parking Standards Committee approval for the parking prior to Type B approval by the Development Review Committee.

Please review this request and provide written response to our office by 5:00 p.m. on Friday, February 8, 2002. Below is a summary of the request. Please feel free to contact me at 488.9300 if you have any questions.

Tax ID Number: 22-33-20-602-0000 & 22-33-20-605-0000

Project Description:

The site is located on the south side of State Road 20 approximately 2,400 ft west of Whispering Pines Drive. Proposed spectator capacity of the race track is 1,080 and the applicant is basing the required parking (383 spaces) off the ratio of three persons per car (360 spaces). The 23 excess parking spaces are within the 20% threshold as set per Sec. 10-1029 of the Leon County Code.

Attached:

Application for Parking Standards w/letter from DEC Engineering,
Dated 1-30-02; Submitted 1-31-02

Request for Parking Standards Review - Seminole Raceway Type "B"
Page 2
February 1, 2002

APPROVED/DISAPPROVED

Comments:

AGREE THAT THE "ASSESSMENT" RATE IS GENERALLY APPROPRIATE
FOR USE WITH THIS PROJECT. ALSO, DUE TO THE INTENSIVE
NATURE OF THE PROPOSED USE, PLANNING PARKING IS HIGHLY
RECOMMENDED.

DAVID MCLENNAN 2/5/02

the permit is valid only so long as the conditions described in the application for the permit exist.

(c) *Compliance with regulations.* The requirements for off-street parking space and loading space applicable to newly erected or substantially altered structures shall be a continuing obligation of the owner or the real estate upon which any such structure is located, so long as the structure is in existence and its use requiring parking or loading, or both, continues. It shall be unlawful for an owner of any structures affected by this division to discontinue, change or dispense with, or cause the discontinuance of such structure, without establishing alternative parking and loading space which meets the requirements of and is in compliance with this division.

(d) *Methods of providing required parking and loading.* All required parking shall be located on the same lot as the principal uses it serves, except as provided below. The required parking for a use on a lot may be located on another lot, either by itself or combined as shared parking with other uses, subject to certification by the county administrator or designee that the following requirements have been met:

- (1) The use being served by the off-street parking lot shall be a permitted principal use in the zoning districts within which the lot containing the parking lot is located.
- (2) The off-street parking spaces shall be located within 600 feet walking distance of a public entrance to the structure or land area containing the use for which such spaces are required.
- (3) The continued availability of the off-site parking spaces necessary to meet the requirements of this provision shall be ensured by appropriate easement.
- (4) The land area of the off-site parking lot shall be added to the area of the lot containing the land use being served for purposes of determining applicable permitted land use intensities.

- (5) The provision of required off-street parking in an off-site location shall only occur in commercial, office, and industrial districts.

- (6) Remote off-street parking shall not be separated from the use it serves by an arterial or collector street, or by other similar physical barriers to convenient access between the parking and the use.

(e) *Historic preservation overlay requirements.* Off-street parking and loading requirements shall not be applicable to the historic preservation overlay area.
(Ord. No. 92-10, § 2(6.2), 3-10-92; Ord. No. 97-12, § 15, 7-8-97)

Sec. 10-1029. Number of off-street parking spaces.

(a) The off-street parking spaces required for specific land uses shall be as set forth in schedule 6-2 below. Parking spaces in excess of these requirements up to 20% of the required number of spaces is allowed at the option of the applicant. Any deviation below the code standard, or more than 20% above, would require affirmative action by the Parking Standards Committee. Surface parking areas in excess of the requirements of this division shall be of an approved pervious material unless determined that pervious material would be more damaging to the environment.

LAND DEVELOPMENT CODE

§ 10-1029

MISCELLANEOUS

<i>Use</i>	<i>Minimum Off-Street Parking Requirement</i>	<i>Ratio of Full Size to Compact Parking Spaces (Full/ Compact)</i>	<i>Required Bicycle Spaces</i>	<i>Notes</i>
37. Auditoriums	1 space/100 square feet of gross floor area	75/25	0.10 per required parking space	
38. Churches and other spaces of public assembly	1 space/100 square feet of chapel, sanctuary, or assembly area*	75/25	0.10 per required parking space	* May be all pervious material unless determined by parking standards committee to require impervious parking
39. Day care, preschools, nursery schools	1 space/250 square feet of gross floor area, if adequate drop-off facilities are provided*	75/25	0.10 per required parking space	*Drop-off facilities must be designed to accommodate a continuous flow of passenger vehicles to load and unload children safely. The adequacy of drop-off facilities shall be determined by the transportation engineer based on standard traffic safety principles
40. Model home	2 spaces/model home plus 1 space/salesperson* **	100/0	0	*Salesperson space may be a vacant garage space in the model home **On-street parking adjacent to the site frontage may count toward fulfilling required parking if doing so does not produce a shortage of residential parking or obstruct traffic
41. Utilities	To be determined by the parking standards committee*			*Developer must submit a parking study
42. Libraries	To be determined by the parking standards committee*	75/25	0.20 per required parking space	*Developer must submit a parking study

(b) For any use not listed in schedule 6-2, the county administrator or designee, upon review of the proposed use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.

(Ord. No. 92-10, § 2(6.3, 6.7), 3-10-92; Ord. No. 93-13, § 1, 6-8-93; Ord. No. 99-15, § 7, 5-25-99)

Seminole Raceway Traffic Study

Trip Generation and Traffic Impacts

12-10-2001

Description

This project consists re-building a drag strip facility that had operated in the Tallahassee Florida area during the middle 1960's. The existing site is on SR 20, Blountstown Highway, six miles west of Tallahassee, on the south side of the road. Proposed access to the project will be via one bi-directional driveway, allowing traffic movements in both the east and west directions.

This analysis is to evaluate the traffic that would be generated by the project to determine if there would be any adverse impacts to existing traffic and determine if improvements such as turn lanes or acceleration/deceleration lanes would be necessary.

Trip Generation of the Project

The peak hour trip generation of this project, can be described by the ITE Trip Generation Manual, 6th. Edition - Automobile Racetrack, Land Use Code 453. The data represented is based on two studies of racetracks in a suburban area in Florida in 1991.

The independent variable is attendees, applied to the average trip generation rate of 0.28 per attendee.

Attendees are estimated as follows:

217	spectator parking spaces x 2.5 attendees/vehicle	= 542 attendees
54	racers x 4 participants/car	= 216 attendees
		<hr/>
		758 attendees

Applying this to the average rate: $0.28 \times 758 = 212$ vehicle trip ends. The peak hour for this land use is at closing time, when all vehicles leave at the same time. The directional distribution during the peak hour is listed by ITE as 1% entering/99% exiting.

This equates to 2 vehicles entering and 210 exiting. Assuming 85% of attendees will come from the Tallahassee area, at closing time, 178 vehicles will turn right out of the racetrack parking lot and travel east toward Tallahassee. This would leave 32 vehicles turning left to travel west on SR 20.

Seminole Raceway
May 1, 2002
Page 4

Conservation/Preservation Area (Section 10-953, 973, & 974)

The Environmental Impact Analysis was approved on February 27, 2002.

Canopy Road Overlay District (Section 10-957):

Not applicable.

Parking and Loading Requirements (Section 10-1029, Schedule 6-2):

As there is no published standard for this type of use in Schedule 6-2 of the Leon County Code of Laws, review by the Parking Standards Committee was required. The Parking Standards Committee approved the proposed parking for the facility on February 19, 2002. The committee required bicycle parking at the ratio of 0.10 per required parking. Applicant proposes a total of 391 parking spaces (336 regular; 8 handicapped, 47 pit area) for the 1,080-seat facility along with 38 bicycle parking spaces. Due to the intermittent nature of the proposed use, pervious parking is highly recommended.

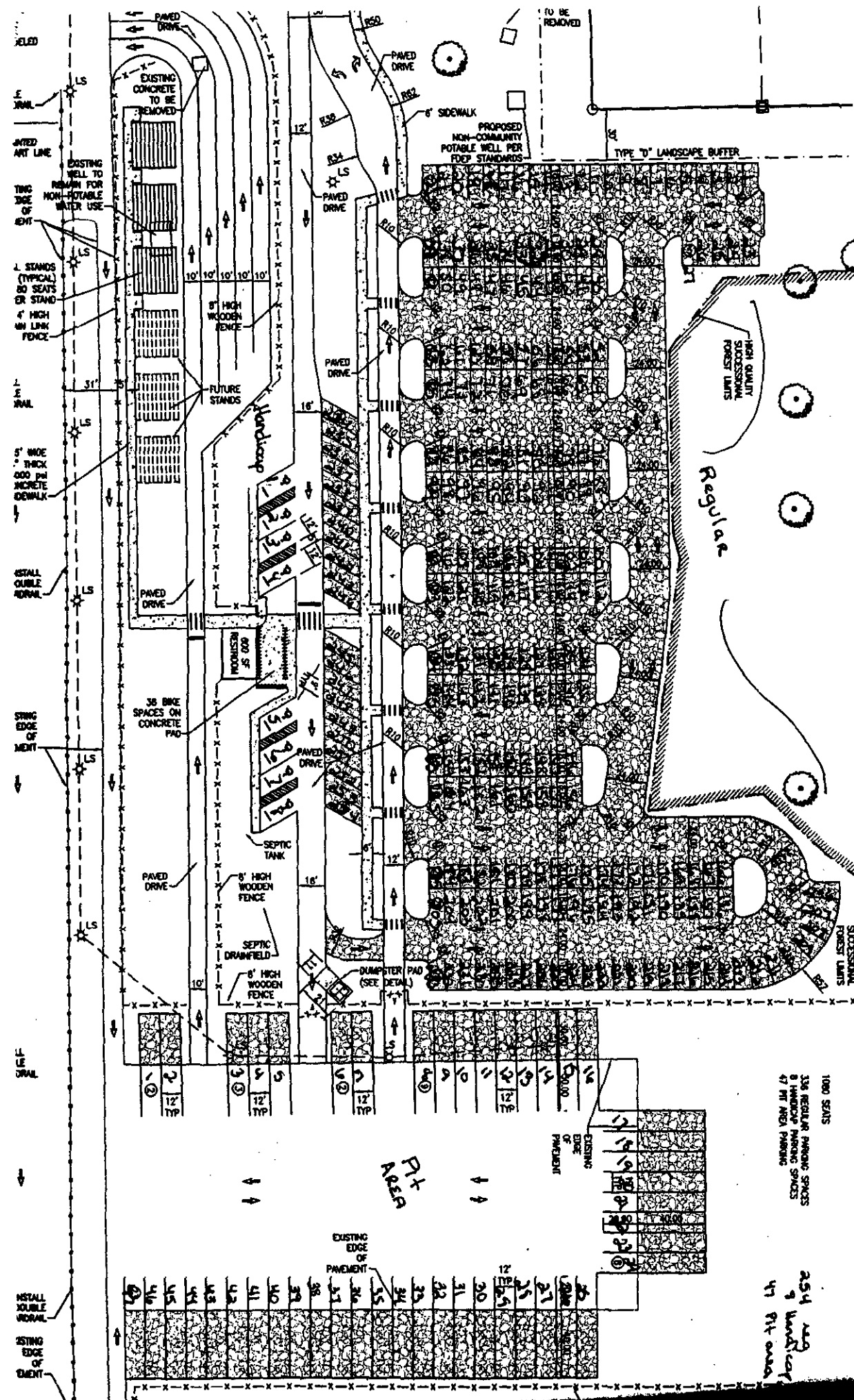
Development Standards (Section 10-913):

All proposed development shall meet the commercial site location standards as noted in section 10-922; buffer zone standards (Section 10-923); the parking and loading requirements (division 7) and the land use development criteria as specified in section 10-1203.

Permitted Use Verification (Section 10-1477):

(PUV Certificate Number VC000176; Approved December 1, 2000)

The Parcel identified above is eligible to re-open as a race track facility. Section 10-861 defines a "nonconforming use" as the use of a property for a purpose or in any manner made unlawful by the lists of permitted uses, land use development criteria, commercial location standards, buffer zone standards, or any other use regulations, development standards or dimensional requirements applicable to the subject property under the current Land Development Regulations. While the requested use is allowed in this district, the existing racetrack facilities which were developed prior to most zoning, building, and development standards are not consistent with current standards. The existing facility has not been in operation continuously or open to the public at



Post-It® Fax Note 7671		Date <u>10-21</u>	# of pages <u>4</u>
To <u>Tony Biele</u>		From	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

Department of Community Development
 Development Services Division
 3401 West Tharpe Street
 Tallahassee, FL 32303
 (850) 488-9300

July 19, 2002

Mr. William Douglas, P.E.
 DEC Engineering, Inc.
 2467 Centerville Road
 Tallahassee, Florida 32308

RE: Seminole Raceway Reconstruction and Reopening, a Type "B" Site and Development Plan (Tax Parcel Identification Numbers 22-33-20-602-000-0 and 22-33-20-605-000-0)

Dear Mr. Douglas:

This letter is to notify you that on Wednesday, July 17, 2002, the Leon County Development Review Committee approved the above-referenced Site and Development Plan subject to the following conditions:

1. A traffic study shall be performed one year after the project is operational. The study shall review the project's off-site and operational traffic impact during the project's hours of operation. The completed study shall be submitted to the County for review.
2. All construction, striping, signage and other methods of traffic warning shall be approved through the Florida Department of Transportation, and shall be placed in both directions 1/4-mile from the facility entrance. Off-duty Leon County Sheriff's Office deputies shall be utilized to direct traffic and patrol the facility during all hours of operation.
3. All required handicapped parking shall be located on the west side of the access road to eliminate the need for those spectators to have to cross vehicular traffic to enter the facility.
4. The site plan shall be revised to clearly delineate the following hours of operation: Fridays-6:00 p.m. - 11:00 p.m.; Saturdays-gate opening time of no earlier than 11:00 a.m., with no car testing or racing to commence before 12:00 p.m.; holidays-gate opening

Mr. William Douglas, P.E.
RE: Seminole Raceway Project
July 19, 2002
Page 2

time of no earlier than 11:00 a.m., with no car testing or racing to commence before 12:00 p.m.. On holidays preceding school days, the facility shall cease operation no later than 9:00 p.m.. Depending on the actual day the holiday falls on, there may be racing events held the day before or after (for example: if Independence Day falls on a Thursday, there may be a racing event held July 4, 5, and 6th). Staff recommends that these such events shall occur only when the holiday falls on a Thursday, therefore creating a Thursday, Friday, Saturday schedule.

5. A solid waste collection dumpster pad shall be used for solid waste management and is to be located between the pit area and the restrooms with no encroachment into the (ingress) drive aisle. Revise the site plan accordingly.

6. No fuel tanks shall be located on the site. Clearly delineate this provision on the revised site plan.

7. All lighting shall be oriented so as not to have any residentially zoned property impacted by direct illumination. Clearly delineate this provision on the revised site plan.

8. The public address (PA) system shall be limited to 85 dB at the speaker and shall be directed away from all residential areas. Furthermore, the applicant is strongly encouraged to utilize a public address system incorporating the latest state of the art technology to suppress "spill-over" PA noise impact to adjacent or nearby residential areas. Such technology may include but should not be limited to FM broadcast technology and "flash light" type speakers/speaker arrays directed away from residential areas.

9. Based on the sound study completed by Law Engineering, and the County Commission's intent to protect residentially developed areas as reflected in the County's application of the RP overlay on the existing adjacent neighborhood, an eight (8) foot noise attenuation fence shall be constructed around the proposed grandstand area. Materials and location of the fence shall be approved by the DRC prior to final site plan approval, and be reflected on the revised site accordingly. Also, the revised site plan should clearly distinguish between the proposed location of the 8-foot tall fence and the 6-foot tall chain link fence. Furthermore, the DRC strongly encourages the applicant to investigate additional noise attenuation measures. These measures could include, but would not be limited to, the installation of an earthen berm, or other acceptable structure(s) along the entire eastern boundary of the proposed use area. Should the

Mr. William Douglas, P.E.
RE: Seminole Raceway Project
July 19, 2002
Page 3

applicant chose to incorporate additional noise attenuation measures, they should be delineated on the revised site plan.

10. Revise the site plan to define the term "drag strip" (as used with regard to hours of operation) to incorporate the linear facility where the competitors race and the area intended for the general public's use (includes spectator areas and parking facilities).

11. Revise the site plan with annotation stating: "Operation of the raceway and activities on its premises shall not create sound pressure levels in excess of 65 dBA as measured on residential property located within 1150 feet or further from the drag strip or operations of the raceway are subject to revocation or suspension by Leon County."

12. Provide documentation from the Department of Public Works affirming that the applicant's proposed responses to clean up and removal of solid and automotive wastes from the site is satisfactory and complies with applicable standards of Leon County.

Please submit 12 copies of the revised site and development plan with a signature block. If you have a question about this approval, please contact our office immediately. After the copies of the revised site and development plan have been received by this office, they will be distributed to the DRC members for signature. After each DRC member signs the plans, one copy will be provided to you with the balance of the copies being distributed to various review and permitted agencies. Please be advised that the site and development should only reflect changes that may be necessary to satisfy the above-referenced conditions. Otherwise, the plan should be identical to the site and development plan originally submitted for review by the DRC.

Pursuant to Section 10-1479(9)(g) Leon County Code of Laws, the decision of the DRC shall become final 15 working days after it is rendered unless a person who qualifies as a party, as defined in Article XI, Division 9 of Chapter 10 of the Leon County Code of Laws, has filed comments in response to public notification provide pursuant to Section 10-1479(9)(d), and shall also have filed a notice of intent to file a petition for formal proceedings, together with the filing fee within this time period, and subsequently files within 30 calendar days after the decision is rendered a petition for formal proceedings before a hearing officer.

This approval was based on the information presented at the DRC meeting, and is intended to meet the procedural requirements of the Leon County Code of Laws. As such, it does not waive any other applicable local, state, or federal regulations.

Mr. William Douglas, P.E.
RE: Seminole Raceway Project
July 19, 2002
Page 4

If you have any questions, please do not hesitate to contact our office at (850) 488-9300.

Sincerely,

David R. McDevitt, AICP
Director of Development Services

cc: Grady Underwood, Environmental Review Specialist
Joseph Brown, III, Chief of Engineering Design
Mark Stamps, Development Coordinator, Talquin Electric Cooperative, Inc.
Gary W. Johnson, Director, Department of Community Development
Michael Willett, Public Works Director
Wendy Grey, Tallahassee-Leon County Planning Director
Wayne Tedder, Land Use Supervisor, TLCPD
Brian Waterman, Concurrency Management Section
Ed Jarriel, Deputy Building Official
John Beaupre, Chief Deputy of Appraisal Services
Mike Waters, Appraisal Services

although he does not think that the land development code allows for that type of review.

Commissioner Sauls reminded the Board that at the Buck Lake town meeting in March, the Board assured citizens that the review of the proposed racetrack would be at the Board's level of review, yet this agenda item indicates that it cannot be reviewed at that level.

Commissioner Depuy stated that Board acted on the best information that they had at the time. He reported that he would soon be meeting with Mr. Wimberly, operator of the racetrack, and would ask him to meet and discuss the issue with the community in the spirit of a good neighbor. His understanding is that they are in compliance and are in the process of getting the racetrack approved.

→ Commissioner Rackleff suggested asking the owner to limit the racing times and shut down the track at 10:00 p.m.

Mr. Thiele explained that the issue could be discussed with the neighbors, but it would not be as a participant in the review process. The Board explained the process whereby the Board delegated a quasi-judicial function to a procedure (DRC) that invokes evidentiary rules and hearings and trials since the Board did not wish to participate in those. He stated that the DRC receives comments in written form only.

The motion on the floor carried 6 – 1 (Commissioner Grippa voted in opposition).

Commissioner Thael moved and was duly seconded by Commissioner Sauls to agenda this item (consideration of the raceway development application on Highway 20) for the purpose of taking public comment and to package those comments and present them to DRC for their ultimate consideration. It was noted that the DRC meeting would be conducted on May 1, 2002. The Chairman raised the issue of setting a precedent and inquired about amending the guidelines for future projects. Mr. Thiele responded that he would not recommend doing this on future projects, that the reason he suggested handling it in this method is because the Board implicitly told the citizens that they might be able to elevate the project to a Type-C review.

The motion carried unanimously, 7/0.

Commissioner Thael suggested conducting a workshop to review changes in the land development code that would perhaps elevate these types of issues to be reviewed by the Commission and to consider various thresholds and options for different levels of review. The Board concurred with the scheduling of a workshop.

25. VOLUNTARY ANNEXATION OF PROPERTY ON WELAUNEE PHASE III AND CONTRACTION OF INTERSTATE 10 AND MICCOSUKEE ROAD

This item is review of the voluntary annexation proposal from the City to annex the remaining 467 acres of the total 7,090 acres in Welaunee Plantation. There is also a segment of the Interstate 10 corridor, which must be removed from 21

- render the application consistent with the purpose and intent of the Residential Preservation zoning district, as set out above with Objective 2.1 and Policy 2.1.1 of the Land Use Element of the *Tallahassee-Leon County Comprehensive Plan*.
15. §10-913(a), *Leon County Code of Laws*, sets forth the purpose and intent of the Urban Fringe zoning district. The complete purpose and intent is included as Attachment #5 to Attachment #A. The Urban Fringe zoning district is primarily intended to allow low-density residential development of no greater than one unit on three acres of land, agricultural, and silvicultural activities. Smaller scale, low-intensity commercial development is allowed to conveniently serve area residents.
 16. §10-920(a), *Leon County Code of Laws*, sets forth the purpose and intent of the Residential Preservation zoning district. The complete purpose and intent is included as Attachment #6 to Attachment #A. The Residential Preservation zoning district is primarily intended to protect existing residential areas from incompatible land uses and density intrusions.
 17. §10-1203 (a), *Leon County Code of Laws*, lists the allowable uses in appropriate permit level in the Urban Fringe zoning district. Active recreation is allowed as a special exception.
 18. §10-1111(d), *Leon County Code of Laws*, sets forth regulations pertaining to special exception uses not otherwise addressed within §10-1111. This section requires a determination that the special exception use is *consistent with the purpose and intent of the district* in which it is to be located and not likely to *interfere with the conduct of the principal activities intended to be accommodated within the district* [emphasis added].
 19. §10-1535(1), *Leon County Code of Laws*, stipulates that each development shall be designed to be as *compatible as practical* with nearby development and characteristics of the land. §10-1536(d), *Leon County Code of Laws*, requires *every effort* to be made to protect off-site impacts of the development on neighboring land uses and environmentally sensitive areas [emphasis added].
 20. The revisions to the application proposed below within the Planning Department's Recommendation (recommended conditions) are intended to strike a better balance between the applicant's enjoyment of property rights and the nearby residents' enjoyment of their residential property rights than that represented by the application submitted. If the recommended revisions were made, the application would be consistent with the *Tallahassee-Leon County Comprehensive Plan*.

Recommendation:

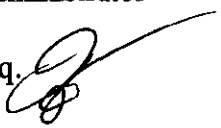
The Planning Department recommends that this application be approved, subject to the following conditions:

1. Revise the site plan to define the term "dragstrip" (as used with regard to hours of operation) shall mean the linear facility where the competitors race and the area intended for the general public's use (includes spectator areas and parking facilities).
2. Revise the site and development plan with annotation specifying the holidays on which the raceway may be in operation. Where holidays fall within a week, a maximum of three continuous racing days shall occur during that week.
- 3. Revise the site and development plan with annotation specifying that the time of the last race on days in which Leon County Public School is open on the following day to be no later than 9 P.M.; on other days, the last race shall be no later than 10:00 P.M.
4. Revise the site and development plan with annotation stating: "Operation of the raceway and activities on its premises shall not create sound pressure levels in excess of 65 dBA as measured on residential property located within 1150 feet or further from the drag strip or operations of the raceway are subject to revocation or suspension by Leon County."

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Honorable Chairman and Members of the Board of County Commissioners
Parwez Alam, County Administrator

From: Herbert W.A. Thiele, Esq. 
County Attorney

Date: April 1, 2003

Subject: Purpose and Intent of Section 10-1489, Leon County Code of Laws
"Appeals to Board of County Commissioners"

04-01-03 P02:22 IN

This memorandum is to follow up a discussion during the March 27, 2003, regular meeting of the Board regarding the intent of Section 10-1489, Leon County Code of Laws, titled "Appeals to Board of County Commissioners." During the meeting, we explained that the section in question appeared to be a holdover from prior site and development plan review procedures and does not apply to appeals of a Type B site and development plan review, such as the Seminole Raceway.

Our office has taken the opportunity to review the history of amendments to the County site plan and development review procedures and has confirmed our original opinion on this issue. In 1996, the County adopted Ordinance 96-02 creating Division 9 of the Land Development Code, providing a procedure for quasi-judicial review of site and development plans by the Planning Commission. At that time, review by the Planning Commission applied to appeals of limited partition subdivisions; Type A, B, and C site and development plan reviews; Developments of Regional Impact (DRI) and Florida Quality Development (FQD) recommendations; requests for transitional facility uses; and rezonings. In 1997, after establishment of, study by, and recommendations from the Growth and Environmental Management Citizens Group, the County adopted Ordinance 97-10, significantly rewriting the County's site and development plan review process, including the appeals process. A flowchart included in the Citizens Group packet shows appeals of the Planning Commission recommendations going directly to the Board of County Commissioners. The 1997 ordinance creates Section 10-1489, "Appeals to Board of County Commissioners," while also removing appeals of limited partition subdivisions and Type A, B, and C site and development plan reviews from the jurisdiction of the Planning Commission. In separate sections of Ordinance 97-10, review is provided to a hearing officer for appeals of Type A, to Circuit Court for appeals of Type B, and to Circuit Court for Type C site and development plan decisions, which were made by the full Board of County Commissioners on recommendations from the DRC. The ordinance leaves only appeals of recommendations on DRIs, FQDs, requests for transitional facility uses, and rezonings subject to the Planning Commission quasi-judicial procedures. Therefore, only appeals from those specified actions are appealable to the Board of County Commissioners utilizing the procedures outlined in Section 10-1489.

It is our opinion that the procedures outlined in Section 10-1489 can only apply to "appeals" from decisions or recommendations of the Planning Commission on Type D site and development plan reviews, rezonings, and other decisions within Planning Commission jurisdiction. Type B site and development plan reviews are clearly outside of the Planning Commission jurisdiction. Our office is reviewing the Planning Commission bylaws and additional history to see if further revisions or repeals are needed to update the County's site and development plan review process. If necessary, we will draft an ordinance for consideration by the Board.

Please contact the County Attorney's Office if you need additional information on this matter. Copies of Ordinances 96-02, 97-10, and the February 18, 1997, workshop materials on the Growth and Environmental Management Citizens Group recommendations on Land Development Regulations are too lengthy to attach, and are available from our office.

HWAT:SS:sl

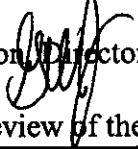
cc: Gary Johnson, Director, Community Development Department
Alan Rosenzweig, Director of the Office of Management and Budget

Board of County Commissioners

Inter-Office Memorandum

Date: May 20, 2003

To: Alan Rosenzweig, OMB Director

From: Gary W. Johnson,  Director, Community Development Department

Subject: Response to Review of the Site and Development Plan Process

The following is provided as a response to the Draft Review of the Site and Development Plan Process Agenda Request. This response was prepared with input from David McDevitt, John Kraynak, Alex Mahon, and Wayne Tedder. This response is based on the Summary of Recommendations as provided in the Draft Review of the Site and Development Plan Process agenda request with the cover memorandum dated April 29, 2003.

The responses are based on the current practices used by staff to make decisions in the site and development plan and permitting processes. The following text contains each Summary of Recommendation, along with staff response.

Regarding the Seminole Raceway Project:

1. The approved site and development plan should not be able to proceed as currently submitted. It is unclear what the site plan approves regarding number of spectators in terms of current and future development. The actual parking depicted on the site plan is inconsistent with the requirements of either a 540 or 1,080 seat venue. In addition, there is no indication on the plan that any future development would require the approval of Leon County. This uncertainty is further supported by the inconsistency in the parking information contained on the plan: totals showing 336 regular spaces and actual parking spaces totaling 254. Changes to the parking may or may not impact the sizing of the proposed stormwater retention pond. In addition, this information is also necessary for the Department of Health to determine septic requirements.

Staff Response:

Staff from the OMB Office contacted Community Development staff on several occasions during and subsequent to their review of the County's files associated with this project. Based on the questions and the findings reported in the OMB audit, the two primary issue areas associated with the Seminole Raceway project noted by OMB included the vehicular parking space (including demand, calculation, and appropriateness of the number of spaces on the approved site plan), and the phasing of the proposed project. Based on these two issues, OMB is recommending that the approved Seminole Raceway site plan not be allowed to proceed.

With regard to the issue of project phasing and specifically the spectator seating capacity approved by the Development Review Committee (DRC) for the project, the following information is provided. The approved site plan is the first of several development approvals that will be required by the County prior to commencement of the proposed project. The approved site and development plan, while a development order under Chapter 163, Florida Statutes, is not a final "permitting" document. Additional engineering design and permit review including environmental, septic, and building permitting will be required for the project. The approved site plan (Attachment # 1) indicates three grand stand areas each containing 180 for a total of 540 seats. The second phase of the project is noted on the site plan with lighter intensity, dashed lines and labeled "future phase." The project descriptive narrative on the approved site plan describes a 1080-seat facility.

A comprehensive review of all supporting documentation including the project's complete application, staff technical review report, DRC reports, and information submitted for a concurrency management review indicates a proposal for a 1080-seat facility. Furthermore, the proposed project's environmental impact analysis was based on a 1080-seat facility including all required buildings, structures, vehicular use areas, and parking. Therefore, it is the position of the Community Development Department that the proposed Seminole Raceway project was approved as a 1080-seat facility. Additionally, it is clear from the approved site plan that the applicant intends to phase the development of the project, with the initial phase consisting of three (3) grand stands containing 180 seats each for a total of 540 seats.

The issue of vehicular parking spaces on the approved site plan for the project, including demand calculation, and appropriateness of the number of spaces on the approved site plan has also been identified by OMB as a significant issue that should in their opinion delay the site plan from proceeding. The required parking space demand for new development is established in Schedule 6-2 of Division 7 of Article X of the LDC. The County's Parking Standards Committee is established pursuant to Section 10-1027 of the LDC. The Committee approves the appropriate parking space demand rate (based on per square foot, per person, etc.) after the review and consideration of parking studies and other documentation submitted by an applicant in support of a proposed land use that is not noted in Schedule 6-2.

The proposed Seminole Raceway land use (drag strip) is not included in Schedule 6-2 (required parking spaces) of the LDC; therefore, the applicant was required to provide a parking study and other documentation in support of the project to establish and justify the onsite vehicular parking space demand rate. The applicant submitted a parking study to the County's Parking Standards Review Committee for consideration (Attachment #2). The study included a survey of a similar land use currently in operation, and proposed a regular parking demand of one (1) parking space per three (3) attendees. The applicant indicated that the proposed land use was generally consistent with other assembly-type land uses, and that a rate on one (1) parking space per three (3) persons is consistent with Schedule 6-2 requirements for assembly-type land uses. The justification for the project's proposed assembly rate parking demand was approved by the Parking Standards Committee for the proposed Seminole Raceway project (Attachment #3).

Utilizing the estimated event attendance at build-out of the project to be 1080 and applying the Parking Standards Committee parking space demand rate of one (1) parking space per three (3) attendees, the project's anticipated demand is for 383 parking spaces. Accessible parking is required in addition to regular parking and is not credited towards required regular parking. Applying the 20% threshold provisions of Section 10-1029 consistent with the assembly-type land use characteristics of the project as approved by the Parking Standards Committee, the parking space requirement for the project ranges from 306 (20% below the 383 anticipated demand) to 459 (20% above the anticipated demand) parking spaces. The site plan for the Seminole Raceway provides for 301 parking spaces as well as the required 8 accessible parking spaces. This is five (5) parking spaces (301 versus 306) below the on site parking space requirements as provided by the LDC. However, it has been determined that the 20% less threshold application to this project is improper and the minimum parking requirements is 383 parking spaces.

The parking space deficit reflected on the approved site plan for Seminole Raceway can be addressed in a number of ways. First, the Parking Standards Committee's approval letter (Attachment #3) highly recommended the use of pervious parking for the proposed project based on its anticipated intermittent use. The approved site plan includes several unencumbered areas that could be utilized for pervious parking.

Second, the DRC approval of the project requires that the owner complete and submit to the County for review a traffic study one year after the project is operational (Attachment #4). This condition of approval further stipulates that the study shall review the project's off-site and operational traffic impacts during the project's hours of operation. This study will provide the County with a "real time" analysis of the on-site and off-site traffic associated with the project, including the adequacy of on-site vehicular circulation and parking accommodation. Subsequent to the review of the required traffic study, the County will require appropriate mitigation to address all identified issues including additional parking should it be required.

Third, as noted above, the project as presented on the approved site plan will be phased. Therefore, the initial parking demand will not be as significant as that anticipated at build-out of the project.

In regards to the construction criteria for a proposed septic system for a given project, information is not routinely provided at the time of the conceptual site and development review process. Frequently, the proposal is conceptual in nature and as such, permitting criteria is not available. At the time of septic system permitting, the system construction criteria will be based on the site information provided in the septic system application, not on the conceptual site plan submitted during the staff Technical Review process.

Finally, the storm water management facility on the approved site plan has been conceptually designed and will be constructed to accommodate the impervious area associated with the planned build-out of the project including 383 parking spaces. Therefore, during the environmental permitting phase of the project, the site plan can and must be modified to indicate the location of proposed future pervious or impervious parking areas. As noted above, the

approved site plan for a project is a conceptual approval and requires further engineering and design considerations prior to receiving the final permitting approvals required to commence on-site construction.

The report addressed parking for race vehicles on partially impervious and partially gravel and states that leakage of petroleum products on the gravel area could soak into the ground before it could be contained and removed. Ultimate cleanup would be required for the gravel and subsoil. Minor leaks from vehicles occur in all parking lots. On paved lots, the leak is transported to a stormwater facility and treated in the pond bottom which essentially is transported into the ground in the same manner as if the leak was dispersed into the soil beneath the gravel parking area. In both cases, the microorganisms in the top foot of the vadose soil zone can actually break down pollutants by aerobic digestion. This prevents the pollutant from reaching the aquifer.

The site plan approval has a condition as follows: "No repair or mechanical maintenance of the race cars shall be allowed on the premises. All spills, leaks, etc. from any mechanical system (i.e. oil, gas, coolant, brake fluid, etc.) shall be cleaned up as soon as it is noticed and shall be taken off-site to an approved hazardous waste facility." During environmental permitting, a Pollution Control Response Plan must be submitted to and approved by staff to address the spill issue further.

Based on the clarifications outlined above, Community Development staff does not agree with the findings outlined in the OMB audit of the Seminole Raceway project as they specifically relate to the issues of project phasing and parking. The site plan that was approved by the DRC complies with standard practice and applicable ordinances. This is substantiated by the supporting documentation that is contained in the project file and specifically summarized above. However, Community Development does concur with OMB's finding concerning the consistency of the narrative information with the illustrative documentation provided on the approved site plan, specifically with regard to the issue of on site parking. The narrative on the approved site plan for the reopening of the Seminole Raceway indicates a 1080 seat facility with 336 regular parking spaces. However, the actual illustrative plan provides for only 254 regular parking spaces and 47 pit area spaces. Therefore, final environmental permits for the proposed project can not be issued by Community Development until this site plan internal inconsistency is corrected by the applicant.

The site plan inconsistencies can be resolved by the applicant by either proposing to modify the approved site plan by either adding parking spaces or reducing the number of approved seats. A preliminary review would indicate that the addition of parking spaces to the approved site plan would require reconsideration by the County's DRC as a major modification. If the applicant instead chooses to submit a modification to the approved site plan to reduce the number of proposed facility seats consistent with the approved number of parking spaces, that would be considered a minor modification that could be processed administratively by staff. Based on the level of inconsistencies the site plan should go back to the DRC. Either proposed modification to the approved site plan for Seminole Raceway would also require modifications to the proposed, (not yet issued) Florida Department of Transportation permit requests for the required right turn lane on Highway 20.

2. To clarify the actual practice and intent of Section 10-210 as it relates to karst features, a modification could be made in the main section to read "The direct discharge of stormwater runoff into any active karst feature shall conform to the following." Section 10-210 (1) could then remove the term direct.

Staff Response:

Staff agrees that a minor modification to Section 10-210, Active karst feature requirements, would provide clarification of the intent for protection of these features. The uses specified in Section 10-210(5) were intended to not directly discharge stormwater runoff into any active karst feature, except the term "directly" is not included in this provision. Staff disagrees that the modification should be made to the main heading in this section since several of the subsections would be required whether or not there was a direct discharge to the active karst feature. Instead, adding the term "directly" in Section 10-210(5) would provide the needed clarification of what has been staff's policy for this and other applications. Sec. 10-210(5) would then read: "The following uses shall not directly discharge any stormwater runoff into an active karst feature:"

3. Special Exceptions allowing Board of County Commissioners input to the process (Section 10-954 (e)) needs to be reviewed to determine whether this provision is necessary during the site and development review and approval process, and if so, a mechanism or process by which to implement this provision needs to be included in the County Code.

Staff Response:

Subsequent to the distribution of the preliminary OMB audit findings concerning this issue, staff has provided assistance and recommendations to the County Attorney's Office concerning proposed amendments to Section 10-954 – Special Exception Uses of the LDC. This proposed ordinance will provide final approval authority by the Board of County Commissioners for all proposed uses that are identified as special exception uses in the Zoning Code. This proposal is scheduled to be presented to the Board for consideration at its May 20, 2003 meeting. The following staff response outlines the current procedure with regard to proposed special exception uses.

Presently, the County's LDC contains seven (7) zoning districts that are also future land use districts from the Comprehensive Plan, and as such, are not site-specific zoning classifications. Therefore, unlike the site-specific zoning districts, these seven districts (Rural, Urban Fringe, Lake Talquin Urban Fringe, Rural Community, Lake Protection, Residential Preservation, and High-Intensity Urban Activity Center) are implemented through a series of performance-based criteria based on surrounding land uses, roadway access, proximity to roadway intersection, onsite environmental constraints, and so forth. Therefore, a proposed use may be allowed in the district but not on a specific site within the district based on noncompliance with the applicable performance criteria. This uncertainty regarding the allowed use on a specific site lead to the adoption of site-specific zoning by the County Commission for properties located within the Urban Services Area (USA).

With the retention of the performance-based zoning/future land use districts, additional consideration is required pursuant to the LDC for those allowable uses that are unique in character and have anticipated off-site impacts. These types of allowable uses are identified in the LDC as either restricted or special exception uses. Pursuant to Section 10-1201 these uses are allowed in the district; however, they must comply with the applicable restricted or special exception use provisions of the LDC. Division 9 of Article X of the LDC provides Supplementary Regulations that are applicable to certain restricted uses. Section 10-954 provides the authority to approve a development proposal and the ability to consider additional factors during the review of the development project. These criteria are general in nature and provide the entity with the authority to approve the project and to address issues not specifically identified in the LDC.

In the case of the proposed reopening of the Seminole Raceway, Section 10-954 provided the DRC with the ability to require the applicant to address off-site noise impacts, operational and traffic safety issues, hours of operation, light, and other issues not specifically addressed by the LDC. Furthermore, the Board of County Commissioners accepted public comment on the proposed Seminole Raceway reopening at its regularly scheduled April 23, 2002 Commission meeting. These comments were forwarded to the DRC for consideration during the review of the proposed project.

Additionally, Community Development provides the Commission Aides notification via e-mail of all PUVs that are issued by the Department. Commission Aides are also notified via e-mail and provided an agenda for all proposed pre-application, staff technical review, and DRC meetings on all proposed development projects. This notification is provided at least two (2) weeks in advance of all the scheduled meetings in order to allow sufficient opportunity to provide comments to staff on a specific development proposal.

Therefore, Community Development staff does not concur with the recommendations of OMB staff with regard to this section of the LDC. As long as the County's LDC contains performance-based zoning/future land use districts, this section is required to enable the entity with the authority to approve a proposed development the additional ability to address issues that are not specifically noted in the LDC. Furthermore, Community Development staff does not concur with this recommendation based on the proposed ordinance regarding revision to section 10-954 that would require Board approval for all special exception uses.

Other Recommendations in General:

4. Update existing software utilized to issue PUVs to allow for the listing of multiple Tax Parcels on the document.

Staff Response:

Community Development is aware of the issue with regard to PUVs that was noted by OMB, but finds the appropriate review process was followed in this case. Specifically, the issue is that when more than one tax parcel identification number is the subject of a PUV request, the issued PUV only indicates (prints) the first tax parcel identification number on the PUV Certificate.

This issue can not be addressed by modifications to the software (Permits Plus) presently being utilized by the County and City of Tallahassee. An overall upgrade of the permit tracking software will be required to accommodate this recommendation from OMB. Should the Board desire to pursue this recommendation, Community Development will include the request in the current budget cycle. However, this issue has never been raised to Community Development staff, and it would appear that the potential financial impact and associated benefit would not justify the additional costs to the County for the software upgrade at this time. In the interim, staff will begin to hand write the additional parcel identification numbers on the PUV.

5. Community Development review existing internal processes and determine a method to ensure the appropriate site and development plan process is utilized for each project request submitted.

Staff Response:

Community Development concurs with this procedural enhancement recommendation from OMB. Community Development will review the current process and revise procedures as appropriate to enhance internal review of a project's PUV certificate with the formal site plan application for consistency and LDC compliance. Preliminary review indicates that this could be accomplished by including an additional finding of fact statement in the project's initial staff report which is provided to the applicant prior to the initial staff technical review meeting on the proposed project.

6. Implement a procedure by which the waiving of site and development application requirements are officially documented and made a part of the applicant's file.

Staff Response:

OMB indicated in their audit findings that in their review of the various project files selected, certain application requirements as outlined in Section 10-1481 of the LDC were not included. Specifically, OMB noted that the aerial photograph noted in Section 10-1481(3)(ii)(k) was not included in the applications. This information is not required of the applicant because it is available electronically via the County's GIS to staff. Furthermore, a specific project's submittal requirements are discussed during the pre-application meeting. Community Development staff will review current procedures to determine if additional documentation regarding a proposed project's applications submittal requirements is warranted. However, current practice appears to be adequate in this regard.

7. Section 10-1027, Parking Standards Committee, should be revised to allow for the various directors to utilize designees.

Staff Response:

Community Development agrees with the OMB audit recommendation regarding the need to revise the LDC to specifically indicate that the Parking Standards Committee members as established in Section 10-1027 can be represented by designees.

8. Section 10-1489, Appeals to the Board of County Commissioners, should be revised to clearly stipulate when this appeal process is applicable.

Staff Response:

The County Attorney's Office is the appropriate area to respond to this issue.

9. For purposes of consistency, it is recommended that for Division 4 of the LDR (Procedures for Review and Approval of Site and Development Plans), the director of growth and environmental management or designee terminology be replaced with the county administrator or designee.

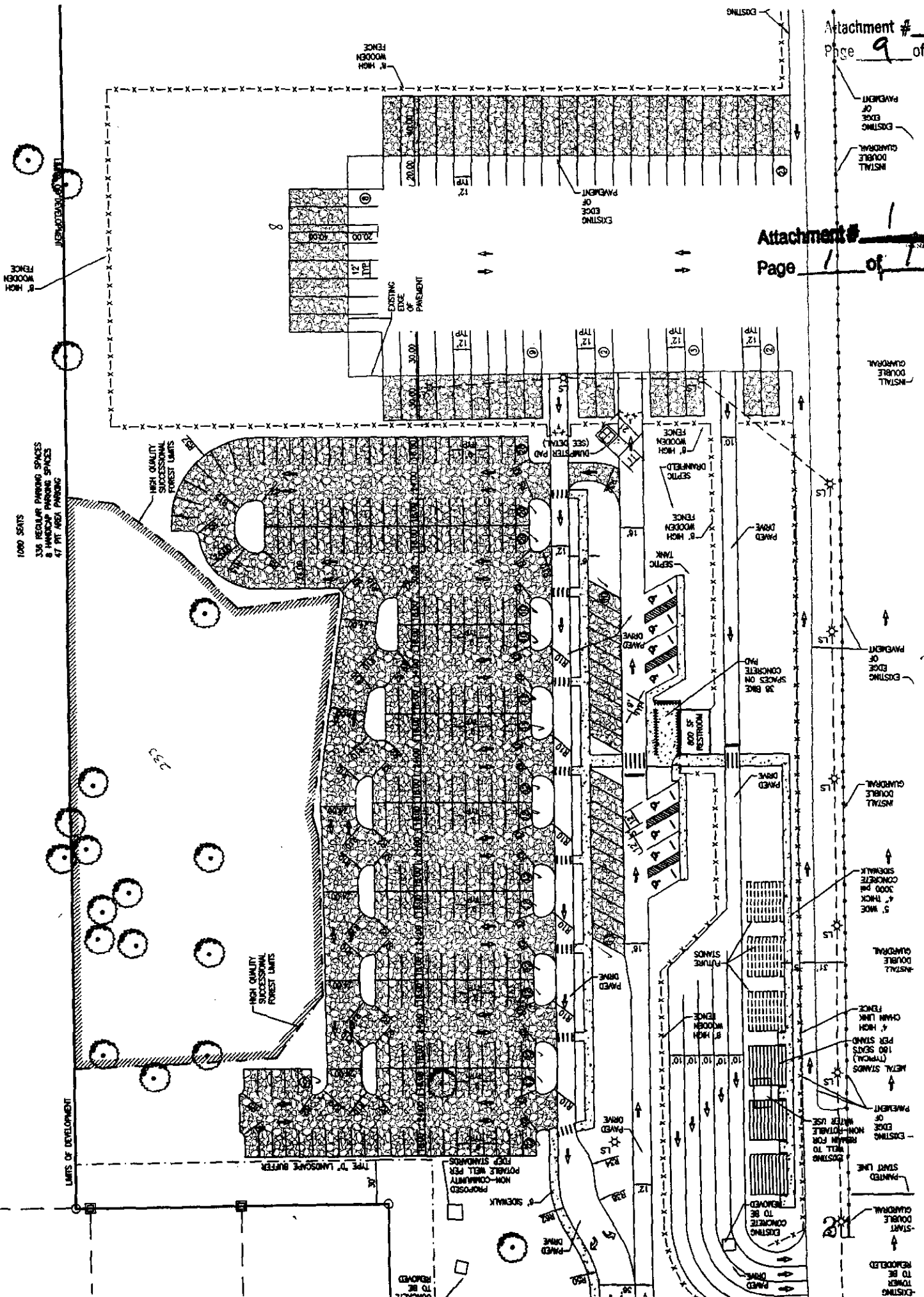
Staff Response:

Community Development agrees with this recommendation.

In conclusion and as outlined above, Community Development generally agrees with the procedural enhancements and code clarification that have been recommended by OMB. Furthermore, Community Development concurs that the approved site plan for the proposed Seminole Raceway contains inconsistencies between the narrative and illustrative descriptions presented on the site plan. As noted above, the Department can not issue further permits (environmental or building) until the applicant provides a remedy to these site plan inconsistencies. Proposed modifications to approved site plans are allowed consistent with the provisions of Division 7 of Article XI of the LDC. A proposed modification determined to be "minor" pursuant to this Division, can be approved administratively subsequent to staff review. A proposed change to an approved site plan determined to be a "major" modification will require reconsideration by the DRC. Regardless of the site plan modification procedure that is selected by the applicant to remedy the current site plan inconsistency, the supporting FDOT right turn lane permit request will also need to be modified to be consistent with the final modified development plan. Staff has contacted the applicant's consultant regarding the current status of future permitting for the proposed Seminole Raceway reopening project.

- Attachments: 1. Seminole Raceway Site Plan Diagram
2. Seminole Raceway Parking Standards Committee Review Documents
3. Seminole Raceway Parking Standards Committee Review Approval Letter
4. Seminole Raceway DRC Approval Letter

cc: Parwez Alam, County Administrator
Herb Thiele, County Attorney
Tony Park, Director, Public Works Department
David McDevitt, Director, Development Services Division
John Kraynak, Director, Environmental Compliance Division
Val Hubbard, Director, Tallahassee-Leon County Planning Department
Wayne Tedder, Chief, Land Use Planning Division
Alex Mahon, Chief, Environmental Health Unit
Andrea Bird, Assistant to the Public Services Director



DEC ENGINEERING, INC.

State Certificate # 4244

2467 Centerville Road ~ Tallahassee, Florida 32308 ~ (850) 385-5288 ~ Fax (850) 386-7586 ~ dec@nettally.com

January 30, 2002

Mr. Kevin Walford
Leon County
Department of Community Development
3401 West Tharpe Street
Tallahassee, Florida 32303

RE: Seminole Raceway
Tax ID No. 22-33-20-605-0000 and 22-33-20-602-0000
DEC Job No.: 00D-218

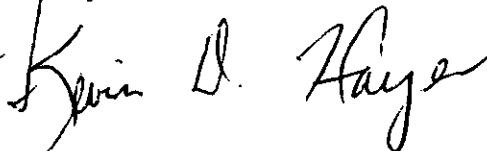
Dear Mr. Walford:

Attached is the Parking Standards Committee Review Application for the above referenced project. The following are included:

- Application for Parking Standards Committee Review (3);
- Project Drawings (3); and
- Application Fee in the amount of \$500.00

We appreciate your attention to this project. If you have questions, comments, or require additional information, please call.

Sincerely,



Kevin D. Hayes, E.I.

Attachments

Cc: Charles Wimberly



Attachment # 13
Page 11 of 24

APPLICATION FOR PARKING STANDARDS COMMITTEE REVIEW

FEE: \$ 500.00

Leon County Department of Community Development
Development Services Division
3401 West Tharpe Street
Tallahassee, Florida 32303
(850) 488-9300

The undersigned applicant hereby petitions Leon County for Parking Standards Committee review.

1. Applicant's Name Charles Wimberly
Mailing Address P.O. Box 176; Perry, Florida 32348
Telephone Number _____
2. Agent's Name DEC Engineering, Inc. 01/31/02 12:11:26M 0000#9216 101
Mailing Address 2467 Centerville Road; Tallahassee, Florida 32308/
Telephone Number (850) 385-5288 EXISTING \$500.00
NEW \$500.00
3. Property Owner's Name Charles Wimberly
Mailing Address P.O. Box 176; Perry, Florida 32348
Telephone Number _____
4. Resubmittal _____ Yes ☒ No
5. Parking Standards Committee review is being requested for (check all that apply):
 - a. _____ An increase from the specified on-site parking requirements enumerated in Schedule 6-2 of Section 10-1029 of the Leon County Code of Laws.
 - b. _____ A decrease from the specified on-site parking requirements enumerated in Schedule 6-2 of Section 10-1029 of the Leon County Code of Laws.
 - c. _____ A request for pervious parking, pursuant to Section 10-1030(d) of the Leon County Code of Laws.
 - d. _____ A modification to the Off-Street Parking Space Standards (Schedule 6-3 or Schedule 6-4 of Section 10-1030 of the Leon County Code of Laws.
 - e. ☒ Other (Specify): A determination on the number of spaces required for this type of development.
6. Number of Required Parking Spaces (Schedule 6-2): ---
Number of Proposed Parking Spaces: 336
Number of Required Bicycle Spaces (Schedule 6-2): ---
Number of Proposed Bicycle Spaces: 0
Number of Required Loading Berths (Schedule 6-6): ---
Number of Proposed Loading Berths: 0

NOTE: PURSUANT TO SECTION 10-1030(c) OF THE LEON COUNTY CODE OF LAWS, NO PARKING SPACE REQUIRED FOR THE HANDICAPPED SHALL BE COUNTED AS A PARKING SPACE IN DETERMINING COMPLIANCE WITH SCHEDULE 6-2 OF SECTION 10-1029 OF THE LEON COUNTY CODE OF LAWS.

7. Pursuant to Section 10-1044 of the Leon County Code of Laws, check the public interest(s) that is to be served as a result of the parking standards modification:

- a. ☐ Environmental Protection
- b. ☐ Heritage Conservation
- c. ☐ Aesthetics
- d. ☐ Tree Protection
- e. ☐ Drainage

8. Land Use Type Existing and/or Proposed: Drag Strip

9. Tax Parcel Identification Number: 22-33-20-602-0000

10. This request is being filed in conjunction with or in anticipation of the following (check all that apply):

- a. ☐ Construction of a new building(s).
- b. ☐ Expansion of an existing building(s).
- c. ☐ Reuse of an existing building.
- d. ☒ Other (Specify): The re-opening of an existing drag strip

11. Total amount of building square feet existing: 99.63

12. Total amount of building square feet to be added: 600

13. Signature of Applicant(s): Linda G. Wimberly

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 30th day of January, 2002, by Linda G. Wimberly, who is personally known to me and who did take an oath and has acknowledged that they executed the foregoing application freely and voluntarily for the uses and purposes therein stated.

(Seal)



Beverly T. Douglas
MY COMMISSION # CC902531 EXPIRES
January 17, 2004
BONDED THRU TROY FAIR INSURANCE, INC.

NOTARY PUBLIC - STATE OF FLORIDA

Sign: Beverly T. Douglas

Print: Beverly T. Douglas

My Commission Expires: 1/17/2004
Commission Number: CC 902531

DEC ENGINEERING, INC.

State Certificate # 4244

2467 Centerville Road ~ Tallahassee, Florida 32308 ~ (850) 385-5288 ~ Fax (850) 386-7586 ~ dec@nettally.com

January 30, 2002

Leon County
Department of Community Development
3401 West Tharpe Street
Tallahassee, Florida 32303

RE: Seminole Raceway
Tax ID No. 22-33-20-605-0000 and 22-33-20-602-0000
DEC Job No.: 00D-218

Parking Justification Statement

The above-referenced project is being reviewed by the Parking Standards Committee to determine the requirements for the regular parking, bike parking, and loading berths. This project is to re-open the existing drag strip located on Blountstown Highway. Schedule 6-2 in the Leon County Code of Laws does not have a category for this intended use. The proposed parking for the project was calculated on the basis of the number of people the owner anticipated. Assuming 1080 people with three people to a car as required for assembly, the required parking calculates to be 360 spaces. The proposed number of spaces of both the spectator's parking spaces and the racer's parking spaces is 383. This number of parking spaces is comparable to a facility of this size and use (such as the drag strip in Albany, Georgia).

HIST # 501000000000

no additional info

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA

01/31/02 11:12AM 0000#9216 ***

PKSTAN \$500.00
CHECK \$500.00

MT/K.W.

No 57318

Fax

Leon County

Department of Growth and Environmental Management
Development Services Division
3401 West Tharpe Street
Tallahassee, FL 32303
Phone: 850.488.9300
Fax: 850.487.7956
E-Mail: walfordk@mail.co.leon.fl.us

To:	Kevin Hayes	From:	Kevin C. Walford
Company:	DEC Engineering	Page(s):	5
Fax:	850.386.7586	Date:	January 29, 2002
Phone:	850.385.5288	Time:	4:07 PM
CC:			
Re:	Parking Standards Committee Application		
_ Urgent	_ FOR REVIEW	_ Please Comment	_ Please Reply
		_ Please Recycle	

Comments:

As you requested.

TONY- DON'T KNOW WHY PARKING STDS REVIEW IS REQD.
PER THIS STREET PARKING COMPLIES w/COUNTY PER
PARKING WAS NOT AN ISSUE DURING TECH RE. EV.
RECOMMEND APPROVAL.

Joe, Recommendation
Tony



Joe

Board of County Commissioners

Inter-Office Memorandum **RECEIVED**

FEB 05 2002

DATE: February 1, 2002

TO: Parking Standards Committee
David McDevitt, Director of Development Services
Tony Park, Director of Engineering Services
Wayne Tedder, Supervisor, Land Use Planning, TLCPD

LEON COUNTY
DEPARTMENT OF PUBLIC WORK

Attachment # 13
Page 16 of 24

FROM: Kevin C. Walford, Development Services Administrator

SUBJECT: Seminole Raceway; Type "B" Review

Parking Standards Committee Request

Attached is a request for Parking Standards Committee approval for the proposed Seminole Raceway (Type B Review) for the proposed number of parking spaces. This request is *for a determination on what the regular parking, bike parking, and loading berths requirements should be for a drag strip. There is no published standard for this type of use in Schedule 6-2 of the Leon County Code of Laws.*

The proposed project has been through the County's Pre-application and Technical Review process as a Type B application. During these reviews, the applicant was advised of the need for Parking Standards Committee approval for the parking prior to Type B approval by the Development Review Committee.

Please review this request and provide written response to our office by 5:00 p.m. on Friday, February 8, 2002. Below is a summary of the request. Please feel free to contact me at 488.9300 if you have any questions.

Tax ID Number: 22-33-20-602-0000 & 22-33-20-605-0000

Project Description:

The site is located on the south side of State Road 20 approximately 2,400 ft west of Whispering Pines Drive. Proposed spectator capacity of the race track is 1,080 and the applicant is basing the required parking (383 spaces) off the ratio of three persons per car (360 spaces). The 23 excess parking spaces are within the 20% threshold as set per Sec. 10-1029 of the Leon County Code.

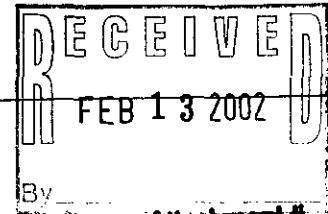
Attached:

Application for Parking Standards w/letter from DEC Engineering,
Dated 1-30-02; Submitted 1-31-02

Request for Parking Standards Review - Seminole Raceway Type "B"

Page 2

February 1, 2002



APPROVED/DISAPPROVED

Attachment # 13
Page 17 of 24

Comments:

Tony Park

2-6-2002

Lined area for comments, consisting of approximately 15 horizontal lines.



Board of County Commissioners

Inter-Office Memorandum

DATE:

February 1, 2002

TO:

Parking Standards Committee

✓ David McDevitt, Director of Development Services

Tony Park, Director of Engineering Services

Wayne Tedder, Supervisor, Land Use Planning, TLCPD

FROM:

Kevin C. Walford, Development Services Administrator

SUBJECT:

Seminole Raceway; Type "B" Review

Parking Standards Committee Request

Attached is a request for Parking Standards Committee approval for the proposed Seminole Raceway (Type B Review) for the proposed number of parking spaces. This request is *for a determination on what the regular parking, bike parking, and loading berths requirements should be for a drag strip. There is no published standard for this type of use in Schedule 6-2 of the Leon County Code of Laws.*

The proposed project has been through the County's Pre-application and Technical Review process as a Type B application. During these reviews, the applicant was advised of the need for Parking Standards Committee approval for the parking prior to Type B approval by the Development Review Committee.

Please review this request and provide written response to our office by 5:00 p.m. on Friday, February 8, 2002. Below is a summary of the request. Please feel free to contact me at 488.9300 if you have any questions.

Tax ID Number: 22-33-20-602-0000 & 22-33-20-605-0000

Project Description:

The site is located on the south side of State Road 20 approximately 2,400 ft west of Whispering Pines Drive. Proposed spectator capacity of the race track is 1,080 and the applicant is basing the required parking (383 spaces) off the ratio of three persons per car (360 spaces). The 23 excess parking spaces are within the 20% threshold as set per Sec. 10-1029 of the Leon County Code.

Attached:

Application for Parking Standards w/letter from DEC Engineering,
Dated 1-30-02; Submitted 1-31-02

Request for Parking Standards Review - Seminole Raceway Type "B"
Page 2
February 1, 2002

APPROVED/DISAPPROVED

Comments:

AGREES THAT THE "ASSESSMENT" RATE IS GENERALLY APPROPRIATE
FOR USE WITH THIS PROJECT. ALSO, DUE TO THE IMPROVEMENT
NATURE OF THE PROPOSED USE, PLANNING PARKING IS HIGHLY
RECOMMENDED.

DAVID MCNEVIN 2/5/02



BOARD OF COUNTY COMMISSIONERS

301 South Monroe Street
Tallahassee, Florida 32301
(850) 488-4710

Department of Growth & Environmental Management
Development Services Division
3401 West Tharpe Street
Tallahassee, FL 32303
850.488.9300

Attachment # 13
Page 20 of 24

Commissioners
WILLIAM C. PROCTOR, JR.
District 1
JANE G. SAULS
District 2
DAN WINCHESTER
District 3
TONY GRIPPA
District 4
BOB RACKLEFF
District 5
ED DEPUY
At-Large
CLIFF THAELL
At-Large
PARWEZ ALAM
County Administrator
(850) 488-9962
HERBERT W.A. THIELE
County Attorney
(850) 487-1008

February 19, 2002

Kevin Hayes
DEC Engineering, Inc.
2467 Centerville Road
Tallahassee, FL 32308
850.385.5288

RE: Parking Standards Committee Review
Seminole Raceway, Type "B" Review
Tax ID: 22-33-20-602-0000 & 22-33-20-605-0000

Dear Mr. Hayes:

Pursuant to the authority granted through Section 10-1029 (b) of the Leon County Land Development Regulations (Chapter 10 of the Leon County Code of Laws), the Parking Standards Committee has approved your request for determination of parking standards for a drag race track. Proposed regular parking of 383 spaces for a 1,080-seat facility is satisfactory. Bicycle parking will be required at the ratio of 0.10 per required parking. Due to the intermittent nature of the proposed use, pervious parking is highly recommended.

Please note that since the Parking Standards Committee does not have the authority to review the requirements for handicapped parking spaces pursuant to Sec. 316.1955 and 1956 F.S.S, the standard approved above does not affect any handicapped parking requirements.

If you have any questions or comments, please feel free to contact me at 488.9300.

Sincerely,

Kevin C. Walford
Development Services Administrator

cc: David McDevitt, Director, Development Services
Wayne Tedder, Land Use Supervisor, Current Planning, TLCPD
Tony Park, Director, Engineering Services
Ray Burroughs, Director, Building Inspection
John Kraynak, Environmental Review Supervisor



Commissioners:
WILLIAM C. PROCTOR, JR.
District 1
JANE G. SAULS
District 2
DAN WINCHESTER
District 3
TONY GRIPPA
District 4
BOB RACKLEFF
District 5
ED DEPUY
At-Large
CLIFF THAELL
At-Large
PARWEZ ALAM
County Administrator
(850) 488-9962
HERBERT W.A. THIELE
County Attorney
(850) 487-1008

BOARD OF COUNTY COMMISSIONERS

301 South Monroe Street
Tallahassee, Florida 32301
(850) 488-4710

Department of Community Development
Development Services Division
3401 West Tharpe Street
Tallahassee, FL 32303
(850) 488-9300

Lemo10091

Attachment # 13
Page 21 of 24

July 19, 2002

Mr. William Douglas, P.E.
DEC Engineering, Inc.
2467 Centerville Road
Tallahassee, Florida 32308

RE: Seminole Raceway Reconstruction and Reopening, a Type "B" Site and Development Plan (Tax Parcel Identification Numbers 22-33-20-602-000-0 and 22-33-20-605-000-0)

Dear Mr. Douglas:

This letter is to notify you that on Wednesday, July 17, 2002, the Leon County Development Review Committee approved the above-referenced Site and Development Plan subject to the following conditions.

1. A traffic study shall be performed one year after the project is operational. The study shall review the project's off-site and operational traffic impact during the project's hours of operation. The completed study shall be submitted to the County for review.
2. All construction, striping, signage and other methods of traffic warning shall be approved through the Florida Department of Transportation, and shall be placed in both directions 1/4-mile from the facility entrance. Off-duty Leon County Sheriff's Office deputies shall be utilized to direct traffic and patrol the facility during all hours of operation.
3. All required handicapped parking shall be located on the west side of the access road to eliminate the need for those spectators to have to cross vehicular traffic to enter the facility.
4. The site plan shall be revised to clearly delineate the following hours of operation: Fridays-6:00 p.m. - 11:00 p.m.; Saturdays-gate opening time of no earlier than 11:00 a.m., with no car testing or racing to commence before 12:00 p.m.; holidays-gate opening

Mr. William Douglas, P.E.
RE: Seminole Raceway Project
July 19, 2002
Page 2

time of no earlier than 11:00 a.m., with no car testing or racing to commence before 12:00 p.m.. On holidays preceding school days, the facility shall cease operation no later than 9:00 p.m.. Depending on the actual day the holiday falls on, there may be racing events held the day before or after (for example: if Independence Day falls on a Thursday, there may be a racing event held July 4, 5, and 6th). Staff recommends that these such events shall occur only when the holiday falls on a Thursday, therefore creating a Thursday, Friday, Saturday schedule.

5. A solid waste collection dumpster pad shall be used for solid waste management and is to be located between the pit area and the restrooms with no encroachment into the (ingress) drive aisle. Revise the site plan accordingly.

6. No fuel tanks shall be located on the site. Clearly delineate this provision on the revised site plan.

7. All lighting shall be oriented so as not to have any residentially zoned property impacted by direct illumination. Clearly delineate this provision on the revised site plan.

8. The public address (PA) system shall be limited to 85 dB at the speaker and shall be directed away from all residential areas. Furthermore, the applicant is strongly encouraged to utilize a public address system incorporating the latest state of the art technology to suppress "spill-over" PA noise impact to adjacent or nearby residential areas. Such technology may include but should not be limited to FM broadcast technology and "flash light" type speakers/speaker arrays directed away from residential areas.

9. Based on the sound study completed by Law Engineering, and the County Commission's intent to protect residentially developed areas as reflected in the County's application of the RP overlay on the existing adjacent neighborhood, an eight (8) foot noise attenuation fence shall be constructed around the proposed grandstand area. Materials and location of the fence shall be approved by the DRC prior to final site plan approval, and be reflected on the revised site accordingly. Also, the revised site plan should clearly distinguish between the proposed location of the 8-foot tall fence and the 6-foot tall chain link fence. Furthermore, the DRC strongly encourages the applicant to investigate additional noise attenuation measures. These measures could include, but would not be limited to, the installation of an earthen berm, or other acceptable structure(s) along the entire eastern boundary of the proposed use area. Should the

Mr. William Douglas, P.E.
RE: Seminole Raceway Project
July 19, 2002
Page 3

applicant chose to incorporate additional noise attenuation measures, they should be delineated on the revised site plan.

10. Revise the site plan to define the term "drag strip" (as used with regard to hours of operation) to incorporate the linear facility where the competitors race and the area intended for the general public's use (includes spectator areas and parking facilities).

11. Revise the site plan with annotation stating: "Operation of the raceway and activities on its premises shall not create sound pressure levels in excess of 65 dBA as measured on residential property located within 1150 feet or further from the drag strip or operations of the raceway are subject to revocation or suspension by Leon County."

12. Provide documentation from the Department of Public Works affirming that the applicant's proposed responses to clean up and removal of solid and automotive wastes from the site is satisfactory and complies with applicable standards of Leon County.

Please submit 12 copies of the revised site and development plan with a signature block. If you have a question about this approval, please contact our office immediately. After the copies of the revised site and development plan have been received by this office, they will be distributed to the DRC members for signature. After each DRC member signs the plans, one copy will be provided to you with the balance of the copies being distributed to various review and permitted agencies. Please be advised that the site and development should only reflect changes that may be necessary to satisfy the above-referenced conditions. Otherwise, the plan should be identical to the site and development plan originally submitted for review by the DRC.

Pursuant to Section 10-1479(9)(g) Leon County Code of Laws, the decision of the DRC shall become final 15 working days after it is rendered unless a person who qualifies as a party, as defined in Article XI, Division 9 of Chapter 10 of the Leon County Code of Laws, has filed comments in response to public notification provide pursuant to Section 10-1479(9)(d), and shall also have filed a notice of intent to file a petition for formal proceedings, together with the filing fee within this time period, and subsequently files within 30 calendar days after the decision is rendered a petition for formal proceedings before a hearing officer.

This approval was based on the information presented at the DRC meeting, and is intended to meet the procedural requirements of the Leon County Code of Laws. As such, it does not waive any other applicable local, state, or federal regulations. 21

Mr. William Douglas, P.E.
RE: Seminole Raceway Project
July 19, 2002
Page 4

If you have any questions, please do not hesitate to contact our office at (850) 488-9300.

Sincerely,

DAVID R. MCDEVITT

David R. McDevitt, AICP
Director of Development Services

cc: Grady Underwood, Environmental Review Specialist
Joseph Brown, III, Chief of Engineering Design
Mark Stamps, Development Coordinator, Talquin Electric Cooperative, Inc.
Gary W. Johnson, Director, Department of Community Development
Michael Willett, Public Works Director
Wendy Grey, Tallahassee-Leon County Planning Director
Wayne Tedder, Land Use Supervisor, TLCPD
~~Trish Waterman, Emergency Management Section~~
Ed Jarriel, Deputy Building Official
John Beaupre, Chief Deputy of Appraisal Services
Mike Waters, Appraisal Services

Board of County Commissioners

Memorandum

DATE: May 20, 2003

TO: Alan Rosenzweig, Director, Office of Management and Budget

FROM: Tony Park, P.E., Public Works Director

SUBJECT: Draft Site and Development Plan Review Report

I have reviewed the draft report and find it quite thorough in a review of the sampled development proposals. I am sure we will utilize the findings to improve the County's development review process.

To the specifics of the summary of recommendations:

Seminole Raceway Project

Agree that plan should not move forward at this time. The plan should be held in abeyance until the inconsistencies and the concerns are addressed and the plan is brought into compliance.

As a professional engineer, there should also be accountability of the inconsistencies addressed by the applicant's professional engineer. The utilization of two different spectator ratios per vehicle as well as 47 racers versus 54 racers contributes to the confusion of required parking spaces, and what was approved by the Parking Standards Committee.

There are a number of specific conditions that are not in compliance. The DRC members are normally presented with plans where the applicant representative ensures that the specific conditions are met since these are directly spelled out by the approval letters given to the applicant. The DRC members who place their signature on the final plans do not review the plans to see if the specific conditions are met.

The thorough review has identified several design concerns and other design concerns. These items are ones which have been missed by both the staff review and the design engineer representing the applicant. These items should be addressed. I would request that there be a recommendation to request that the applicant submit a revised application or an amended application to address the inconsistencies and concerns.

Other Recommendation in General

These recommendations appear acceptable.

Design Concerns Regarding Seminole Raceway

Design Concerns for Applicant

1. Parking spaces should have curb stops to define individual parking spaces and to prevent vehicles from encroaching on opposite parking spaces.
2. The turning radius at the "U" turn at the southeast corner of the parking area does not appear to be sufficient for opposing cars to negotiate the turn at the same time.
3. There is no documentation that the aisle width in the race vehicle parking area is sufficient for the delivery vehicles with trailers to negotiate parking. It is not known that this is a deficiency, but it is not known that it is not.
4. There is no documentation that race vehicles can negotiate the sharp left turn in 10 foot wide lanes to gain access to the track.

Potential FDOT Design Concerns

5. The turn lanes proposed for Blountstown Highway have unusual features that may not be approved by FDOT. Several side roads and driveways are impacted. It is noted that a bicycle lane has been incorporated into the intersection where there is no bike lane outside of the project area.